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ABSTRACT

Intended as a resource for trustees at California community colleges and those providing training to trustees, this handbook reviews the roles and responsibilities associated with trusteeship. Chapter 1 provides general information on California's community colleges and other systems of higher education, while chapter 2 discusses the role of the board as an entity governing the college and the responsibilities of individual trustees. Chapter 3 covers areas contributing to effective trusteeship, including trustee ethics, board self-evaluation procedures, and effective processes for making decisions. Chapter 4 focuses on board and chief executive officer (CEO) relations, including conducting CEO searches, evaluation methods, and providing support to CEO's, while chapter 5 reviews regulations and implementation issues related to shared governance. Chapter 6 covers board roles in making educational policy, setting educational goals for the colleges, and ensuring that governance decisions involve affected parties, while chapter 7 examines the board role in community and public relations, fund raising, and political advocacy. Chapter 8 then addresses fiscal policy responsibilities, chapter 9 reviews legal responsibilities, and chapter 10 discusses personnel issues and regulations, including minimum qualifications, equivalencies, and tenure. Finally, chapter 11 provides a description of the Community College League of California, a bibliography, selected acronyms and terms, and a list of state and college-related organizations. (TGI)

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Community College League of California

Trustee Handbook

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California Community College Trustees

January, 1996

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1996 Trustee Handbook

Summary

The community college *Trustee Handbook* is published by the Community College League of California. It is updated each year and provided to new trustees at the annual Trustee Orientation Workshop. A new handbook is also mailed each year to every community college district office.

The *Handbook* is designed to be a resource for both new trustees, those who work with boards, and those who are conducting education programs for new and continuing trustees. We encourage CEOs and others to copy and use different sections as resources when discussing the related topics. Each section provides a brief overview of the issues related to the topic, and may be used as an excellent introduction to trustee roles and responsibilities in various areas. The information in each chapters is summarized below:

1.	**General Information**	This chapter briefly covers the mission and history of California's community colleges and describes the other systems of higher education in the state. The chapter also includes a listing of the community colleges, and a map of the 71 community college districts.
2.	**Board Roles**	Chapter 2 covers the role of the board as the entity which governs the college, and the responsibilities of individual trustees to contribute to the work of the board as a whole. There are also sections on board organization and the role of the board chair and on the roles and responsibilities of student trustees. A final section covers the role of the board in the accreditation process.
3.	**Trusteeship**	Chapter 3 covers those areas that contribute to effective trusteeship, including trustee ethics, board self-evaluation procedures, and effective processes for making decisions. A section on trustee education lists the various conferences and resources designed to help trustees do their job.
4.	**Board/CEO Relations**	It is often said that the key to a successful college is a good CEO. Chapter 4 covers practices that will ensure a successful partnership, conducting a successful CEO search, and evaluation of and support for the CEO.

5.	**Governance**	This chapter covers the regulations and implementation issues related to shared governance, a concept mandated by legislation to ensure that governance decisions involve those who are affected by them.
6.	**Educational Policy Responsibilities**	Chapter 6 covers board roles in making educational policy, setting educational goals for the colleges, and ensuring that the institutions are performing effectively. A final section in this chapter discusses importance of strategic planning and the board's role in the process.
7.	**Community Relations**	Trustees provide important linkages between the community and the college. Chapter 8 discusses the board role in community and public relations, fundraising, and political advocacy.
8.	**Fiscal Policy Responsibilities**	Boards are responsible for monitoring the fiscal stability and soundness of their districts. This chapter covers the responsibilities of the board related to financial management and includes a glossary of finance terms.
9.	**Legal Responsibilities**	Trustees are responsible for meeting the legal standards stated in the Brown Act (open meeting law) and in laws related to fair political practices and conflicts of interest. Chapter 9 highlights areas of legal liability and encourages trustees to seek legal counsel for particular questions.
10.	**Employer-Employee Relations**	Chapter 10 outlines personnel issues and regulations and defines many of the concepts that are unique to California's community colleges, including minimum qualifications, equivalencies, and tenure.
11.	**Resources**	The final chapter in the *Handbook* includes a description of the Community College League of California, a bibliography of recommended readings, a list of state and national associations and a glossary of commonly used terms.

Publisher: The Community College League of California
2017 O Street, Sacramento, CA 95814
916/444-8641
Editor: Cindra Smith
Design and Processing: Janice Boatwright

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1.1 CALIFORNIA COMMUNITY COLLEGES

The California Community College system is the largest system of higher education in the world, with 107 colleges organized into 71 districts, serving nearly 1.3 million students.

By design, California's community college districts incorporate all of the state's territory. Virtually all Californians are within easy commuting distance of a community college. Districts vary in size from the Palo Verde Community College District in Blythe with 700 students to the Los Angeles Community College District with 130,000 students.

The colleges are publicly supported and locally oriented institutions that offer associate degrees, transfer to baccalaureate level colleges, and workforce programs. They are part of California's three-tiered public postsecondary educational system — California Community Colleges, University of California and the California State University.

Governance

Each of the 71 community college districts in the state has a locally elected board of trustees, responsive to local community needs, and charged with the policy leadership for the local colleges. Boards range in size from five to nine members elected by the local community either on a district-wide or area basis, and also have a student member, elected by the students. The role of local boards is described in "Community College Trustees: Powers and Responsibilities," (2.0).

The statewide California Community College system is governed by the Board of Governors, created in 1967, which sets policy and guidance for the 71 districts comprising the system. The 16-member Board, appointed by the state's governor, interacts with the Legislature and federal and state organizations, and selects the Chancellor for the system. Two seats on the Board are designated for trustees, two for community college faculty, and one for a student. The Board of Governors is directed to maintain and continue, to the maximum degree permissible, local autonomy and control in the administration of the community colleges.

The Chancellor consults with the colleges through a formal system to bring recommendations to the Board, which has the legislated authority to develop and implement policy for the colleges. The Consultation Council includes representatives from the chief executive officers, the academic senate, chief instructional officers, chief student services officers, chief business officers, students, and community college organizations. The trustees are represented by the Community College League of California (CCLC) in the consultation process. The board for the California Community College Trustees (CCCT) meets periodically with the Board of Governors on an informal basis.

The Chancellor's Office is a state agency with a staff of about 170, implements Board of Governors regulations and other legislation, oversees the conduct of the colleges, and provides leadership for the system.

Statistical Information

Approximately 1.3 million students are served by the community colleges. Students come from all walks of life and all educational backgrounds. Their average age is 29. Approximate percentages of ethnic and gender groups are:

	Percent CCC's (1993)	Percent California (1990)
Male	44.0	50.0
Female	56.0	50.0
African American	7.9	7.0
Asian American	13.2	9.0
Latino	22.5	26.0
Native American	1.2	1.0
White	51.8	57.0
Filipino	3.5	N/A.0
Disabled	4.0	10.0

The community colleges employ over 70,000 people, approximately 66 percent of whom are faculty. The combined annual expenditures are close to $3 billion: roughly 52 percent from the state general fund, 32 percent local, 3 percent lottery, 9 percent student fees and charges, and 4 percent federal funds.

History

Community colleges are higher education's newcomers. The first institution of higher education in America, Harvard University, was established in 1636; however, the first junior college was not founded until 1901 in Joliet, Illinois. Other junior colleges were established in response to a plan developed by William Rainey Harper, then president of the University of Chicago, to move the first two years of a university education to junior colleges.

The first community colleges in the United States were usually private institutions. But by 1947, the number of public community colleges exceeded the number of private ones. The popularity of community colleges increased greatly in the 1940's and 1950's, as our nation placed increased emphasis on post-high school education. Enrollment pressure in the 1960's created a boom of expansion and construction which continued through the late 1970's.

In California, the Legislature authorized junior college courses in 1907 as an extension of the public education system. Fresno was the first community to offer a post-high school course of study for students wishing to pursue a baccalaureate degree. In 1921, independent junior college districts were authorized, separate from public school districts. More colleges were proposed in the 1950's in response to the growing demand for higher education, and the Legislature began the study leading to the 1960 Master Plan for Higher Education, which still provides the blueprint for community colleges and universities.

In 1967 a review of the Master Plan resulted in the Stiern Act, which created the Board of Governors of the California Community Colleges, removing the college districts from oversight by the Department of Education. Local college districts maintained their autonomy for curriculum, facilities, personnel, and budget. During the late sixties and early seventies, the focus of the colleges expanded from simply providing lower division transfer education to today's broader community mission, and the name junior college was generally dropped in favor of community college.

Although the Master Plan recommended high proportions of state funding, the colleges then received the majority of their funds from local property taxes, and tax rates were established by local boards. However, Proposition 13, passed in 1978, resulted in a 60 percent reduction in property tax revenues and the loss of the ability to authorize local tax rates. The state took on a greater role in financing and guiding the work of the colleges.

Passed in 1988, the landmark legislation, *AB 1725*, provided new direction and support for California's public community colleges. The legislation clarified and validated the mission of the community colleges, defined new governance processes ("shared governance"), established goals related to staff diversity and full-time and part-time faculty ratios, mandated an accountability system, established a system for minimum qualifications for faculty hire, created special funds for faculty and staff development and diversity, and addressed a number of other issues. The bill was supported and partially written by a coalition of community college organizations called the Californians.

Mission and Programs

AB 1725 established the following priorities for the community colleges:

- Transfer and occupational education are the "primary missions" of the colleges.
- Remedial instruction, English as a Second Language, and support services that help students succeed at the postsecondary level are "important and essential functions."
- Adult noncredit education curricula in areas defined as being in the state's interest is an "essential and important function"
- Community service courses and programs are an "authorized function so long as their provision is compatible with an institution's ability to meet its obligations in its primary missions."

The colleges offer a wide variety of programs in the liberal arts and sciences and in over 340 occupational specialties. Most classes are small (average size is 31) resulting an outstanding and personalized learning environments.

Counseling and other student service programs, including matriculation services, career and transfer planning, disabled student services, financial aid, health services, re-entry programs, child care, and programs for educationally and economically disadvantaged students are also important programs designed to ensure student success.

Many colleges have built strong partnerships with business and industry, providing contract education courses, small business assistance programs, and other educational services to the economic community. The CCC Economic Development Network (Ed<Net), is a statewide resource system and training institute working with the colleges and business community to provide continuous workforce improvement, technology enhancement, and business development.

Access and Fees

"Community colleges have a unique, historical responsibility to provide open admission without regard to race, ethnic or national origin, sex, age, disability, sexual orientation, or prior educational status or any other unreasonable basis for discrimination" (Board of Governors, 1983). The emphasis on access to the community colleges is one of the most basic educational values in California, and is a major reason that fees have remained low over the years.

Community college enrollment in California is by law open to any person with a high school diploma, or any person 18 or over who can benefit from instruction. The law also permits concurrent enrollment of high school students according to agreements between college and school districts.

Many California community colleges established a number of student fees for specific services during the 1960's and 1970's, but it wasn't until 1984 that the Legislature established a $5 per unit fee for enrollment in credit classes. In 1993, the Legislature increased the fees to $13 per unit and limited the ability of colleges to charge other fees.

Other Systems and Agencies

California Postsecondary Education Commission (CPEC)

The Commission is a citizen board established in 1974 to coordinate the efforts of California's colleges and universities and to provide independent, non-partisan policy analysis and recommendations to the governor and legislature.

Of the 15 commission members, nine represent the general public, with three each appointed for six-year terms by the governor, the Senate Rules Committee, and the Speaker of the Assembly. The other six represent the major segments of postsecondary education in California.

CPEC is charged by the legislature and the governor to "assure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs." It conducts studies requested by the Legislature, and approves all proposals for new colleges.

California State University (CSU)

The California State University, led by Chancellor Barry Munitz, consists of 21 campuses, serving over 250,000 students. Over half of CSU graduates have transferred from community colleges. In the Master Plan for Higher Education, the CSU is authorized to grant baccalaureate and masters degrees and teaching credentials. They admit the top one-third of high school graduates. Community college transfers have priority for admission. Annual fees for full-time students are governed by a Board of Trustees.

University of California (UC)

The University of California, led by President Richard Atkinson, consists of eight general campuses and one medical campus, plus a number of professional schools. Undergraduate enrollment at the University is 115,000, and there are approximately 39,000 graduate and professional students. The University is authorized to grant baccalaureate, masters, doctoral, professional degrees, and credentials. It is constitutionally separate from the Legislature and is governed by an appointed Board of Regents. About 20 percent of UC's graduates transferred from community colleges. In the Master Plan, the University has primary responsibility for research and graduate education.

Private Institutions of Higher Education

There are approximately 105 private, accredited colleges and universities in California, represented at the state level by the Association of California Independent Colleges and Universities.

Public Schools

There are over 1000 school districts in California with over five million children. Since many community colleges were created by the public school districts, the systems have many connections. Both have districts governed by locally elected boards, and are subject to the funding constraints of Proposition 98. State authorized adult education programs may be offered either by a public school district or a community college. AB1725 was in part a result of efforts by the community college system to be viewed as a more equal partner in higher education rather than an extension of high schools.

Future

Given the increasing demand for higher education from a growing and increasingly diverse population and reduced resources from the state, community colleges are challenged to do more with less or to look for new sources of revenue. Many governmental, educational, and business groups continue to question the role and mission of the community colleges as well as other segments of higher education. Questions about governance, educational delivery systems and the use of technology, relations with business, funding, fees, and mission priorities will continue to be discussed throughout the mid-90's and beyond.

References

"An Overview of California's Diverse Student Population." California Postsecondary Education Commission. December, 1993

Board of Governors' meeting agendas. California Community Colleges. Eight times a year.

Board of Governors' Basic Agenda. California Community Colleges. Annual.

California Community Colleges Directory. Community College League of California. Annual.

Chancellor's Office Management Information System. Data on students, course activity, staffing, categorical programs, vocational education, facilities, finances. Analytical Studies Unit.

Important Trends for California Community Colleges. Chancellor's Office, Analytical Studies Unit. Annual.

Rodda, Albert S. "Commentary on the History of California Community Colleges." April, 1986.

11

1.2 STATEWIDE TRENDS

The following is adapted from Trends of Importance to California Community Colleges, prepared by the Research and Analysis Unit, Chancellor's Office, California Community Colleges. It is a summary of social, economic and political factors which influence the community colleges.

Population

- The state's population continues to increase, although at a slower rate.
- The number of 18-24 year olds will start to increase rapidly beginning in 1997.
- By the year 2000, nearly one-half of California's population will be people of color.

Labor Force

- During the next ten years, fourteen of every fifteen new workers will be minority or female.
- Many will be recent immigrants.
- There will be a substantial increase in older workers.
- Many of the new workers will come from population groups that, in the past, have been underrepresented in education.

Technology

- Technology in the workplace demands increasingly higher skills.
- Economy is shifting from manufacturing to communications and information processing and services.
- Increases in technology use means more job and career changes by workers and an increased need for occupational retraining and upgrading.

Economy

- Economic downturns have produced declines in income and increases in unemployment.
- Downturns result in greater demand, but less funding for community colleges.
- Despite a recovery, more Californians will be unemployed and in need of training in the future than at virtually any time in the past.
- Economic growth depends on the availability of skilled labor.

Social Changes

- We are shifting to a multicultural society.
- More skilled workers are becoming independent contractors.
- More and smaller firms use temporary joint ventures like partnerships and alliances to accomplish their work.
- Corporate acquisitions and mergers are increasing in frequency.
- Students have varied learning styles and need flexibility and rapid response from their colleges and teachers.

Politics

- Voter initiatives continue to constrain the authority and revenue-raising capability of local public institutions.
- There is reduced public investment in infrastructure and education.
- Federal deregulation and decentralization will put more responsibility on state and local authorities.
- There may be possible consequences related to legality of immigrant services in Proposition 187 (1994).

Funding

- The expected economic recovery, improved funding, and moderate student fee increases could increase community college enrollment.
- Community college operating budgets will increase in the near term.
- Needed maintenance and expansion of college physical plants have no visible means of support.

1.3 COMMUNITY COLLEGE DISTRICTS and COLLEGES

Allan Hancock Joint CCD
800 S College Dr, Santa Maria 93454
805/922-6966 FAX 805/928-7905
Allan Hancock College

Antelope Valley CCD
3041 West Avenue K, Lancaster 93536-5426
805/943-3241 FAX 805/943-5573
Antelope Valley College

Barstow CCD
2700 Barstow Rd, Barstow 92311
619/252-2411 FAX 619/252-1875
Barstow College

Butte CCD
3536 Butte Campus Dr, Oroville 95965
916/895-2484 FAX 916/895-2345
Butte College
Chico Center: 260 Cohassett Rd, Chico 95926
916/895-1352
Glenn County Cntr: 119 N Butte St, Willows 95988
916/934-2144

Cabrillo CCD
6500 Soquel Dr, Aptos 95003
408/479-6100 FAX 408/479-6425
Cabrillo College

Cerritos CCD
11110 Alondra Blvd, Norwalk 90650
310/860-2451 FAX 310/467-5005
Cerritos College

Chabot-Las Positas CCD
7011 Koll Center Pkwy, Ste 200, Pleasanton 94566
510/485-5206 FAX 510/485-5256
Chabot College
25555 Hesperian Blvd, Hayward 94545-5001
510/786-6600 FAX 510/782-9315
Las Positas College
3033 Collier Cyn Rd, Livermore 94550-9797
510/373-5800 FAX 510/443-0742

Chaffey CCD
5885 Haven Ave, Rancho Cucamonga 91701-3002
909/987-1737 FAX 909/941-2783
Chaffey College

Citrus CCD
1000 W Foothill Blvd, Glendora 91741-1899
818/914-8821 FAX 818/914-8823
Citrus College

Coast CCD
1370 Adams Ave, Costa Mesa 92626
714/432-5895 FAX 714/432-5177
Coastline Community College
11460 Warner Ave, Fountain Vly 92708-2597
714/576-7600 FAX 714/241-6248
Golden West College
15744 Golden West St, Huntington Bch 92647-0592
714/892-7711 FAX 714/895-8243
Orange Coast College
PO Box 5005, Costa Mesa 92628-5005
714/432-0202 FAX 714/432-5609

Compton CCD
1111 E Artesia Blvd, Compton 90221
310/637-2660 FAX 310/608-3721
Compton College

Contra Costa CCD
500 Court St, Martinez 94553
510/229-1000 FAX 510/370-2019
Contra Costa College
2600 Mission Bell Dr, San Pablo 94806
510/235-7800 FAX 510/236-6768
Diablo Valley College
321 Golf Club Rd, Pleasant Hill 94523
510/685-1230 FAX 510/685-1551
Los Medanos College
2700 E Leland Rd, Pittsburg 94565
510/439-2181 FAX 510/427-1599

Desert CCD
43-500 Monterey Ave, Palm Desert 92260
619/346-8041 FAX 619/341-9732

College of the Desert

Copper Mountain Campus, 6162 Rotary Wy,
Joshua Tree 92252 619/366-3791

El Camino CCD
16007 Crenshaw Blvd, Torrance 90506
310/532-3670 FAX 310/660-3794

El Camino College

Feather River CCD
570 Golden Eagle Dr
PO Box 11110, Quincy 95971-6023
916/283-0202 FAX 916/283-3757

Feather River College

Foothill-De Anza CCD
12345 El Monte Rd, Los Altos Hills 94022
415/949-6100 FAX 415/941-1638

De Anza College
21250 Stevens Creek Blvd, Cupertino 95014
408/864-5678 FAX 408/864-8400

Foothill College
12345 El Monte Rd, Los Altos Hills 94022
415/949-7777 FAX 415/949-7375

Fremont-Newark CCD
43600 Mission Blvd, Fremont 94539-0390
510/659-6000 FAX 510/659-6058

Ohlone College

Gavilan CCD
5055 Santa Teresa Blvd, Gilroy 95020-9599
408/847-1400 FAX 408/847-5102

Gavilan College

Glendale CCD
1500 N Verdugo Rd, Glendale 92108-2894
818/240-1000 FAX 818/549-9436

Glendale Community College

Grossmont-Cuyamaca CCD
8800 Grossmont College Dr, El Cajon 92020-1799
619/697-9090 FAX 619/461-1391

Cuyamaca College
2950 Jamacha Rd, El Cajon 92019-4304
619/670-1980 FAX 619/670-7204

Grossmont College
8800 Grossmont College Dr, El Cajon 92020-1799
619/465-1700 FAX 619/461-3396

Hartnell CCD
156 Homestead Ave, Salinas 93901
408/755-6900 FAX 408/755-6751

Hartnell College

Imperial CCD
P O Box 158, Imperial 92251-0158
619/352-8320 FAX 619/355-2663

Imperial Valley College

Kern CCD
2100 Chester Ave, Bakersfield 93301-4099
805/395-4100 FAX 805/395-4134

Bakersfield College
1801 Panorama Dr, Bakersfield 93305-1299
805/395-4011 FAX 805/395-4241

Cerro Coso Community College
3000 College Heights Blvd, Ridgecrest 93555
619/375-5001 FAX 619/375-4776

Porterville College
100 East College Ave, Porterville 93257
209/781-3130 FAX 209/748-4779

Lake Tahoe CCD
One College Dr, S Lake Tahoe 96150-4520
916/541-4660 FAX 916/541-7852

Lake Tahoe Community College

Lassen CCD
PO Box 3000, Susanville 96130
916/257-6181 FAX 916/257-8964

Lassen College

Long Beach CCD
4901 E Carson St, Long Beach 90808
310/420-4111 FAX 310/420-4118

Long Beach City College

Pacific Coast Campus, 1305 E Pacific Coast Hwy,
Long Bch 90806 310/599-7903 310/599-7912

Los Angeles CCD
770 Wilshire Blvd, Los Angeles 90017-3896
213/891-2000 FAX 213/891-2304

East Los Angeles College
1301 Brooklyn Ave, Monterey Park 91754
213/265-8650 FAX 213/265-8723

Los Angeles City College
855 N Vermont Ave, Los Angeles 90029-3590
213/669-4000 FAX 213/953-4294

Los Angeles Harbor College
1111 Figueroa Pl, Wilmington 90744
310/522-8200 FAX 310/834-1882

Los Angeles Mission College
13356 Eldridge Ave, Sylmar 91342-3244
818/364-7600 FAX 818/364-7826

Los Angeles Pierce College
6201 Winnetka Ave, Woodland Hills 91371
818/347-0551 FAX 818/710-9844

Los Angeles Southwest College
1600 W Imperial Hwy, Los Angeles 90047
213/241-5225 FAX 213/777-1851

Los Angeles Trade-Tech College
400 W Washington Blvd, Los Angeles 90015
213/744-9058 FAX 213/748-7334

Los Angeles Valley College
5800 Fulton Ave, Van Nuys 91401-4096
818/781-1200 FAX 818/785-4672

West Los Angeles College
4800 Freshman Dr, Culver City 90230
310/287-4200 FAX 310/841-0396

Los Rios CCD
1919 Spanos Ct, Sacramento 95825
916/568-3021 FAX 916/568-3023

American River College
4700 College Oak Dr, Sacramento 95841
916/484-8011 FAX 916/484-8674

Cosumnes River College
8401 Center Pkwy, Sacramento 95823
916/688-7451 FAX 916/688-7330

Folsom Campus: 100 Clarksville Rd, Folsom 95630
916/983-0105 FAX 916/983-5569

Placerville Cntr: 106 Placerville Dr, Placerville
95667 916/662-7575 FAX 916/988-2317

Sacramento City College
3835 Freeport Blvd, Sacramento 95822-1386
916/558-2111 FAX 916/441-4142

Marin CCD
885 College Ave, Kentfield 94904-2590
415/485-9502 FAX 415/485-0135

Marin, College of

Indian Valley Campus: 1800 Ignacio Blvd, Novato
94947-4998 415/883-2211 FAX 415/883-6878

Mendocino-Lake CCD
PO Box 3000 (1000 Hensley Creek Rd)
Ukiah CA 95482
707/464-3002 FAX 707/468-3120

Mendocino College

Merced CCD
3600 M St, Merced 95348-2898
209/384-6000 FAX 209/384-6043

Merced College

MiraCosta CCD
One Barnard Dr, Oceanside 92056
619/757-2121 FAX 619/757-2601

MiraCosta College

Monterey Peninsula CCD
980 Fremont St, Monterey 93940-4799
408/646-4000 FAX 408/655-2627

Monterey Peninsula College

Mt San Antonio CCD
1100 N Grand Ave, Walnut 91789
909/594-5611 FAX 909/598-2303

Mt San Antonio College

Mt San Jacinto CCD
1499 N State St, San Jacinto 92583
714/487-6752 FAX 909/652-6236

Mt San Jacinto College

Menifee Valley Campus: 28237 La Piedra Rd,
Menifee 92255 909/672-6752 FAX 909/672-0454

Napa Valley CCD
2277 Napa-Vallejo Hwy, Napa 94558
707/253-3000 FAX 707/253-3015

Napa Valley College

North Orange County CCD
1000 N Lemon St, Fullerton 92634
714/871-4030 FAX 714/879-3926

Cypress College
9200 Valley View St
Cypress CA 90630-5897
714/826-2220 FAX 714/527-8238

Fullerton College
321 E Chapman Ave
Fullerton CA 92632-2095
714/992-7000 FAX 714/447-4097

Palo Verde CCD
811 W Chanslorway, Blythe 92225
619/922-6168 FAX 619/922-0230

Palo Verde College

Palomar CCD
1140 W Mission Rd, San Marcos 92069-1487
619/744-1150 FAX 619/744-8123

Palomar College

Pasadena Area CCD
1570 E Colorado Blvd, Pasadena 91106-2003
818/585-7123 FAX 818/585-7910

Pasadena City College

Peralta CCD
333 East Eighth St, Oakland 94606
510/446-7200 FAX 510/268-0604

College of Alameda
555 Atlantic Ave, Alameda 94501
510/522-7221 FAX 510/769-6019

Laney College
900 Fallon St, Oakland 94607
510/834-5740 FAX 510/464-3240

Merritt College
12500 Campus Dr, Oakland 94619
510/531-4911 FAX 510/436-2405

Vista College
2020 Milvia St, Berkeley 94704
510/841-8431 FAX 510/841-7333

Rancho Santiago CCD
1530 W 17th St, Santa Ana 92706
714/564-6000 FAX 714/564-6379

Rancho Santiago College

Redwoods CCD
7351 Tompkins Hill Rd, Eureka 95501
707/445-6700 FAX 707/445-6990

College of the Redwoods

Rio Hondo CCD
3600 Workman Mill Rd, Whittier 90608
310/692-0921 FAX 310/908-3463

Rio Hondo College

Riverside CCD
4800 Magnolia Ave, Riverside 92506
909/622-8000 FAX 909/222-8035

Riverside Community College

Moreno Vly Campus: 16130 Lasselle St, Moreno Vly 92553-2045
909/485-6100 FAX 909/485-6188

Norco Campus: 2001 3rd St, Norco 91760-2600
909/372-7000 FAX 909/372-7050

Saddleback CCD
28000 Marguerite Pkwy, Mission Viejo 92692
714/582-4840 FAX 714/364-2726

Irvine Valley College
5500 Irvine Center Dr, Irvine 92720
714/559-9300 FAX 714/559-3270

Saddleback College
28000 Marguerite Pkwy, Mission Viejo 92692-3699
714/582-4500 FAX 714/347-0438

San Bernardino CCD
441 W Eighth St, San Bernardino 92401
909/884-2533 FAX 909/381-3410

Crafton Hills College
11711 San Canyon Rd, Yucaipa 92399
909/794-2161 FAX 714/794-0423

San Bernardino Valley College
701 S Mt Vernon Ave, San Bernardino 92410
909/888-6511 FAX 714/889-6849

San Diego CCD
3375 Camino del Rio South, San Diego 92108-3883
619/584-6960 FAX 619/584-6541

San Diego City College
1313 - 12th Ave, San Diego 92101
619/230-2400 FAX 619/230-2063

San Diego Mesa College
7250 Mesa College Dr, San Diego 92111-4998
619/627-2600 FAX 619/571-5839

San Diego Miramar College
10440 Black Mountain Rd, San Diego 92126
619/536-7800 FAX 619/693-1698

San Diego Community College Ed Ctrs
4343 Ocean View Blvd Rm 75, San Diego
92113-1998 619/527-5258 FAX 619/527-5203

San Francisco CCD
50 Phelan Ave E200, San Francisco 94112
415/239-3303 FAX 415/239-3918

City College of San Francisco

San Joaquin Delta CCD
5151 Pacific Ave, Stockton 95207-6370
209/474-5151 FAX 209/474-5600

San Joaquin Delta College

San Jose/Evergreen CCD
4750 San Felipe Rd, San Jose 95135-1599
408/270-6402 FAX 408/531-8722

Evergreen Valley College
3095 Yerba Buena Rd, San Jose 95135
408/274-7900 FAX 408/238-3179

San Jose City College
2100 Moorpark Ave, San Jose 95128
408/289-2181 FAX 408/287-7222

San Luis Obispo County CCD
PO Box 8106, San Luis Obispo 93403-8106
805/546-3100 FAX 805/546-3904
Cuesta College

San Mateo County CCD
3401 CSM Dr, San Mateo 94402
415/574-6550 FAX 415/574-6566
Cañada College
4200 Farm Hill Blvd, Redwood City 94061
415/306-3100 FAX 415/306-3457
College of San Mateo
1700 W Hillside Blvd, San Mateo 94402
415/574-6161 FAX 415/574-6680
Skyline College
3300 College Dr, San Bruno 94066-1698
415/355-7000 FAX 415/738-4338

Santa Barbara CCD
721 Cliff Dr, Santa Barbara 93109-2394
805/965-0581 FAX 805/963-7222
Santa Barbara City College

Santa Clarita CCD
26455 N Rockwell Cyn Rd, Santa Clarita 91355-1899
805/259-7800 FAX 805/259-8302
College of the Canyons

Santa Monica CCD
1900 Pico Blvd, Santa Monica 90405-1628
310/450-5150 FAX 310/450-2387
Santa Monica College

Sequoias CCD
915 S Mooney Blvd, Visalia 93277
209/730-3700 FAX 209/730-3894
College of the Sequoias

Shasta-Tehama-Trinity CCD
PO Box 496006 (11555 N Old Oregon Tr)
Redding 96049-6006
916/225-4600 FAX 916/225-4990
Shasta College

Sierra Joint CCD
5000 Rocklin Rd, Rocklin 95677-3397
916/624-3333 FAX 916/781-0455
Sierra College

Siskiyou Joint CCD
800 College Ave, Weed 96094
916/938-4461 FAX 916/938-5227
College of the Siskiyous

Solano County CCD
4000 Suisun Valley Rd, Suisun 94585
707/864-7112 FAX 707/864-7213
Solano Community College

Sonoma County CCD
1501 Mendocino Ave, Santa Rosa 95401
707/527-4011 FAX 707/527-4816
Santa Rosa Junior College

Southwestern CCD
900 Otay Lakes Rd, Chula Vista 91910-7299
619/421-6700 FAX 619/482-6413
Southwestern College

State Center CCD
1525 E Weldon Ave, Fresno 93704
209/226-0720 FAX 209/229-7039
Fresno City College
1101 E University Ave, Fresno 93741
209/442-4600 FAX 209/485-3367
Kings River Community College
995 North Reed Ave, Reedley 93654
209/638-3641 FAX 209/638-5040

Ventura County CCD
71 Day Rd, Ventura 93003
805/654-6361 FAX 805/654-6410
Moorpark College
7075 Campus Rd, Moorpark 93021
805/378-1400 FAX 805/378-1499
Oxnard College
4000 South Rose Ave, Oxnard 93033
805/986-5800 FAX 805/986-5806
Ventura College
4667 Telegraph Rd, Ventura 93003
805/654-6400 FAX 805/654-6466

Victor Valley CCD
18422 Bear Valley Rd, Victorville 92392-9699
619/245-4271 FAX 619/245-9744
Victor Valley College

West Hills CCD
300 Cherry Lane, Coalinga 93210
209/935-0801 FAX 209/935-5655

West Hills College

King's County Campus: 1200 Humme, Lemorre 93245 209/924-9525

No. District Cntr: Saipan & Greenacres, Firebaugh 93622 209/659-1473

LNAS Cntr: Lemoore 93245 209/998-7310

West Kern CCD
PO Box 1437 (29 Emmons Park Dr) Taft 93268
805/763-4282 FAX 805/763-1038

Taft College

West Valley-Mission CCD
14000 Fruitvale Ave, Saratoga 95070-5698
408/867-2200 FAX 408/867-8273

Mission College
3000 Mission College Blvd, Santa Clara
95054-1897 408/988-2200 FAX 408/496-0462

West Valley College
14000 Fruitvale Ave, Saratoga 95070-5698
408/867-2200 FAX 408/867-5132

Yosemite CCD
PO Box 4065, Modesto 95352
209/575-6508 FAX 209/575-6565

Columbia College
PO Box 1849, Columbia 95310
209/533-5100 FAX 209/533-5104

Modesto Junior College
435 College Ave, Modesto 95350
209/575-6498 FAX 209/575-6666

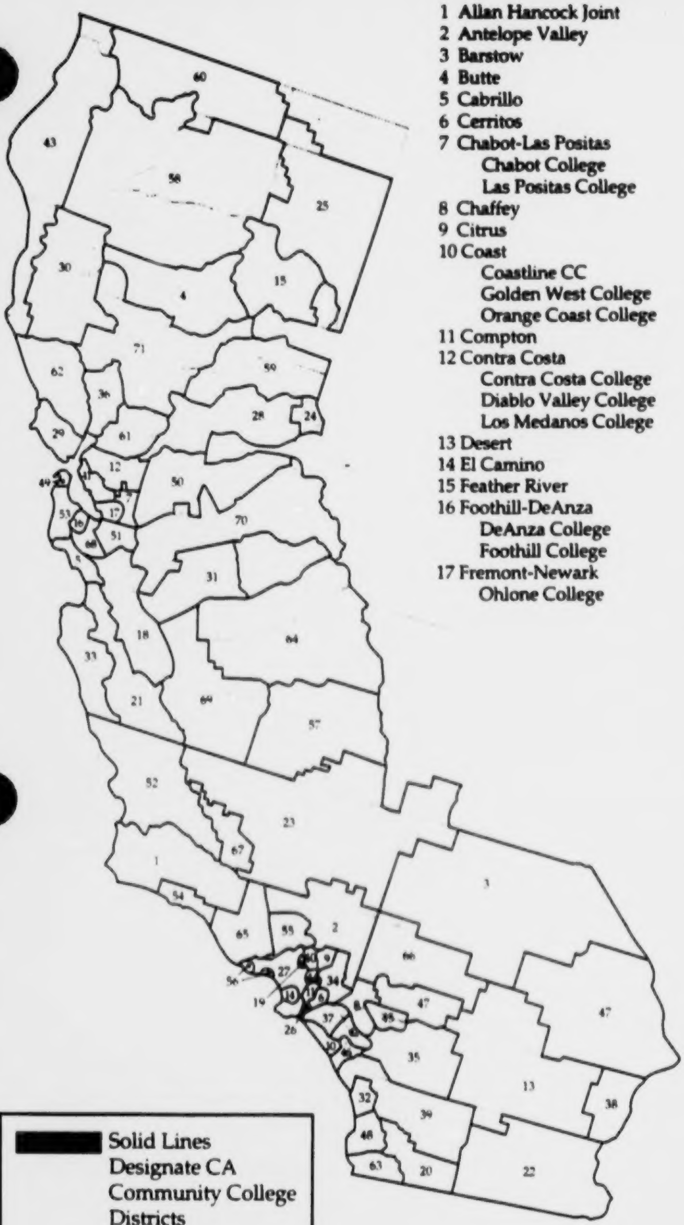
Yuba CCD
2088 N Beale Rd, Marysville 95901
916/741-6700 FAX 916/741-3541

Yuba College

Colusa Campus: 745 - 10th St, Colusa 95932 916/458-4085 FAX 916/458-5673

Lake Cnty Campus: PO Box 1690, Clearlake 95422 707/995-7900 FAX 707/994-3553

Woodland Campus: 41605 Gibson Rd, Woodland 95776 916/661-5700 FAX 916/666-9028



1 Allan Hancock Joint
2 Antelope Valley
3 Barstow
4 Butte
5 Cabrillo
6 Cerritos
7 Chabot-Las Positas
    Chabot College
    Las Positas College
8 Chaffey
9 Citrus
10 Coast
    Coastline CC
    Golden West College
    Orange Coast College
11 Compton
12 Contra Costa
    Contra Costa College
    Diablo Valley College
    Los Medanos College
13 Desert
14 El Camino
15 Feather River
16 Foothill-DeAnza
    DeAnza College
    Foothill College
17 Fremont-Newark
    Ohlone College
18 Gavilan
19 Glendale
20 Grossmont-Cuyamaca
    Cuyamaca College
    Grossmont College
21 Hartnell
22 Imperial
23 Kern
    Bakersfield College
    Cerro Coso CC
    Porterville College
24 Lake Tahoe
25 Lassen
26 Long Beach
27 Los Angeles
    East LA College
    LA City College
    LA Harbor College
    LA Mission College
    LA Pierce College
    LA Southwest College
    LA TradeTechnical College
    LA Valley College
    West LA College
28 Los Rios
    American River College
    Cosumnes River College
    Sacramento City College
29 Marin
30 Mendocino-Lake
31 Merced
32 MiraCosta
33 Monterey-Peninsula
34 Mt. San Antonio
35 Mt. San Jacinto
36 Napa Valley
37 North Orange County
    Cypress College
    Fullerton College
38 Palo Verde
39 Palomar
40 Pasadena Area
41 Peralta
    College of Alameda
    Laney College
    Merritt College
    Vista College
42 Rancho Santiago
43 Redwoods
44 Rio Hondo
45 Riverside
46 Saddleback
    Irvine Valley College
    Saddleback College
47 San Bernardino
    Crafton Hills College
    San Bernardino Vly College
48 San Diego
    San Diego City College
    San Diego Mesa College
    San Diego Miramar College
49 San Francisco
    City College of S.F.
50 San Joaquin Delta
51 San Jose/Evergreen
    Evergreen Valley College
    San Jose City College
52 San Luis Obispo County
    Cuesta College
53 San Mateo
    Cañada College
    College of San Mateo
    Skyline College
54 Santa Barbara
55 Santa Clarita
    College of the Canyons
56 Santa Monica
57 Sequoias
58 Shasta-Tehama-Trinity
59 Sierra Joint
60 Siskiyous
61 Solano
62 Sonoma
    Santa Rosa Junior College
63 Southwestern
64 State Center
    Fresno City College
    Kings River CC
65 Ventura County
    Moorpark College
    Oxnard College
    Ventura College
66 Victor Valley
67 West Kern
    Taft
68 West Valley-Mission
    Mission College
    West Valley College
69 West Hills
70 Yosemite
    Columbia College
    Modesto Junior College
71 Yuba

▬ Solid Lines
Designate CA
Community College
Districts

Screened Lines
Designated CA
Counties

DISTRICTS & COLLEGES

Community College League
of California

Community College League of California
Trustee Handbook
January, 1996

2.1 COMMUNITY COLLEGE TRUSTEES: POWERS and RESPONSIBILITIES

A trustee, by dictionary definition, is one to whom property is entrusted for management. Community college trustees hold in trust the responsibility for the wise and prudent management of education, a critical local and state resource. As a board, trustees are both guardians of and stewards for the public's interests. Trustees represent the communities served by a college, and bring to their roles a wide range of skills and interests. Together, as a board, trustees guide the community college district to meet its mission and serve creatively its ever-changing communities.

Lay boards were created to ensure that educational institutions were responsive to the communities they served, and to buffer colleges from undue intrusion by government and single interests. Boards are responsible for the resources, performance and welfare of the institutions they govern. The task is tremendous, but the rewards associated with successfully overseeing the growth and development of a community college are countless.

TRUSTEESHIP IN A NUTSHELL

You are a member of a lay board which, *as a unit*,

sets the policy direction

evaluates its implementation

employs a chief executive officer
as institutional leader

acts as community bridge and buffer

establishes the climate in which educational
goals are accomplished

assures the fiscal health and stability

maintains standards for good employer-
employee relations, and

serves as a positive agent of change.

Learning is Central

The challenge for local district boards lies in establishing and focusing on a vision and mission that will have the greatest impact on student learning, and in requiring structures and processes that will produce desired outcomes. Effective community colleges are characterized by:

- Educational programs and services that provide for high levels of student involvement, have high expectations of student performance, develop student talent, and carefully assess student achievement with regular feedback. In particular, colleges:
  - — Emphasize the teaching and learning process;
  - — Are student-centered;
  - — Identify needs and monitor progress;
  - — Foster a sense of dignity and respect for the individual among students and staff;
  - — Encourage exploration, experimentation, and innovation;
- Success is defined as raising the performance of all, rather than as selecting the best and neglecting the rest;

- The work and learning environment is lively, positive, intellectually challenging, and the physical environment is conducive to learning;
- Faculty and students are active participants in curriculum development and institutional planning;
- Simultaneously remain open to change and develop flexible procedures, but remain unwavering in maintaining high educational values.

Responsibilities of the Board

The Board is a Lay Board

Trustees are elected to represent the general citizenry for whom they hold the college in trust. The board should reflect the values of all citizens, and should strive for decisions which incorporate a variety of interests. Trustees come from all professions, including education, but are not on the board to practice their profession or a single interest.

Acts only as a Board

Trustees have power only when they are meeting as a board. The board is the legal governing unit. Trustees contribute their collective talents, skills, and backgrounds to strong, effective boards but have no individual power or authority. You, as a individual trustee, have no power to and should not direct any college staff, should make no statements representing the board unless they are congruent with adopted board positions and policy, and should support board decisions once they are made.

Makes Policy and Evaluates its Implementation

The most important board role is to make policy, and staff members are responsible for carrying out policy. The basis for this principle is in the nature of the two jobs. Board members are part-time community representatives who hire a CEO to lead the institution. The CEO hires staff who have the expertise to implement board policy and fulfill the purposes of the institution. Policy-making is a qualitatively different role than those of the administrators, faculty and staff. The system works best when trustees focus their efforts on representing community interests through establishing policies which provide direction for the college. The board is most effective when it leaves the day-to-day operations to the staff and concentrates instead on the big picture.

It may be difficult to draw the line between policy-making and administrative matters. Ultimately, determination of what actions are in the policy-making domain and what actions are in the administrative domain is a shared responsibility. Whenever as issue comes before the board, trustees should ask themselves what broad principles and values are pertinent to the issue.

Policies which govern well are those that focus on the mission of the college, incorporate the history and culture of the college and community, and are developed through visionary planning processes. Powerful and useful policies reflect the broadest possible principles and parameters. They provide guidance to the CEO and staff for the direction the college takes to serve the community.

Boards evaluate the implementation of policy through periodically asking for assessment of progress towards meeting the goals and mission of the college.

Employs the Chief Executive Officer (CEO)

One of the most essential factors for successful governance is a good board/CEO relationship. The CEO is the primary agent of the board, and is the single most influential person in creating an outstanding institution. Selection, evaluation, and support for the CEO are the board's most important responsibilities.

The CEO and board function best as a team. While the CEO is hired to carry out board policies, at the same time, the CEO is looked to by trustees and other members of the college community for guidance and educational leadership. Mutually agreed-upon clear descriptions of roles, responsibilities, and expectations help ensure open communication, confidence and trust.

The CEO is responsible for preparing and presenting the agenda to the board, and is solely responsible for the administrative recommendations brought to the board. If a problem or issue comes to your attention which is a matter for the board, ask to have it put on the agenda. If the problem is one that should be solve through administrative channels, delegate it to him or her.

Acts as a Community Bridge and Buffer

Trustees are an essential link with the community. They both represent the community to the college, and advocate for the college in the community and state. They can be powerful influences in building partnerships with business, industry, and government.

Boards also act as buffers from undue influence on the institution from government and special interests. They ensure that administrators and faculty have the freedom and sanctuary needed in higher education to explore and address a wide variety of problems and issues and to expand the boundaries of knowledge.

Establishes the Climate

Boards set the tone for the entire district. Trustees provide positive leadership when they work well together as a board, handle conflict constructively, focus on broad futuristic visions for the colleges, model integrity and ethical behavior, and positively challenge the CEO and college staff to strive for excellence. Alternatively, a fragmented, fractious board focused on administrative detail lowers morale, wastes resources, and reduces the chance the district will achieve its goals.

You, as a trustee, should strive for the "high road", and seek full participation in decision-making while you encourage innovation, leadership, and professional growth of staff.

Fiscal Health and Stability

Budget approval is an important legal requirement for a board. The college budget is more than a collection of figures. It includes the projected revenue which you will receive during the budgeted year and details the spending plans for the college's fiscal year. While you do not need to review individual line items in the individual accounts in the budget, you should become familiar with an overall summary of the document.

When you participate in budget discussions and approve the budget document, you are setting policies which will have great impact on the college. Budgets should be tied to achieving the mission and goals of the college, and should reflect educational priorities.

Maintains High Standards for Good Employer-Employee Relations

The CEO is the only employee directly responsible to the board. However, boards should establish policy parameters which ensure that the selection, evaluation, and dismissal procedures for all employees are legal, fair, clear, and appropriate, and that the affirmative action philosophy is followed. Boards should set a positive climate for collective bargaining and dispute resolution, and should model principled negotiations.

Positive Agent of Change

Good trusteeship requires the ability to function as part of a team, and a team functions best when the members are well informed and act objectively. During the decision-making process, you are expected to speak openly for your point of view. Once the decision is made, you are expected to support the position of the board even if you disagree with the majority decision.

As a trustee, you must learn to listen aggressively and ask questions. Asking questions and listening to answers is a way of giving and receiving feedback—important for both the board and the administrators with whom the board works. Questions also encourage others to do a good job and function as a form of quality control.

Legal Responsibilities

The duties and powers of community college district boards of trustees are specified within the framework of law and state regulations (See Education Code section 70902). The regulations include issues that pertain to course and program review, academic requirements, holding property, employee contracts and salaries, budget approval, selection and evaluation of the college president, student progress, student discipline, to name a few. These statutes are further defined by the policies and regulations of the Board of Governors of the California Community Colleges.

Meetings

Governing boards are required to hold regular, public, monthly meetings, properly noticed as to date, time and location. Except as otherwise provided by law, the governing board shall act by majority vote of all of the membership constituting the governing board.

Open Meeting Laws

California Statutes cover open meeting requirements:

1. The Ralph M. Brown Act, Government Code Sections 54950-54961 (revised, 1994)
2. Education Code Sections 35145-35146 regarding school districts
3. State Agency Open Meeting Act, Government Code Sections 11120-11131, regarding state government

Generally, the laws ensure that the deliberations as well as the actions of local agencies are performed at meetings open to the public and to which the public has been given adequate notice. It is to prevent government from being conducted in secret.

The Brown Act requires, with certain exceptions, that all meetings of the legislature bodies of local agencies be open and public. Meetings must be conducted in such a manner as to permit participation of individual members in such action. Thus, secret ballot voting at meetings required to be open and public is prohibited.

The Act applies to the legislative bodies of all local agencies of the state. Local agencies include all cities, counties, school districts, municipal corporations, special districts and all other local public bodies.

Conflict of Interest

The governor, members of the legislature, elected state and local officials, judges of courts of record, and all high ranking state and local officials must by law file statements of economic interests. A public official or employee has a conflict of interest when all of the following occur:

1. The official makes, participates in, or uses his or her official position to influence a governmental decision;
2. It is foreseeable that a decision will affect the official's financial interest;
3. The effect of a decision on the official's financial interest will be material;
4. The effect of a decision on the official's financial interest will be distinguishable from its effect on the public generally.

Standards for Performance

Boards, as units, have a responsibility to perform at the highest possible levels, in order to provide a standard for the rest of the college. Individual trustees have a responsibility to contribute to the effective functioning of the board as a unit. The following performance goals describe both board and individual responsibilities. Board goals may be the standards against which boards may evaluate themselves. Trustees will want to review the individual trustee responsibilities periodically as a check on their own performance. (Note, the sections in the *Trustee Handbook* on board evaluations and trustee ethics provide additional information.)

Board Performance Goals

Goals for Board/President Relations

1. Select and retain through contract, the best available college president.
2. Establish clear parameters and expectations for performance.
3. Support the president, both publicly and privately.
4. Evaluate the president against previously agreed upon standards.

Goals for Board Meetings

1. Ensure that all deliberations of the board prior to voting are conducted in meetings open to the public.
2. Ensure that meetings are conducted in a manner that respects the time and energies of board members.

Goals for Policy-Making

1. Concentrate efforts on policy-level discussions of values, principles, community and social trends and needs, and what the board wishes the college to contribute to the community.
2. Address broad policy questions first, before moving to more detailed and narrower issues.
3. Provide legal, ethical, and principled direction for staff by establishing clear policy parameters.
2. Periodically review, evaluate, and update the college mission and goals; and measure progress towards achieving the goals.
4. Provide fiscal direction that ensures stability and effective use of funds
5. Attend to and understand the audit.
6. Ensure that the college meets legislative mandates.

Goals for Human Resources

1. Establish standards which ensure that employment and human resource management practices are fair, legal, and designed to enhance employee performance.
2. Support professional development efforts, including trustee continuing education.

Goals for Community Relations

1. Meet with other boards to discuss and explore common concerns and community issues.
2. Take positions when necessary to advocate for the college in the community.
3. Support the foundation and fundraising efforts.
4. Encourage the use of community advisory committees when developing new programs and evaluating ongoing programs.

Goals for Campus Participation

1. Ensure consultation with faculty/staff and students in the development of policy.
2. Support trustee participation in campus activities.

Goals for Cooperation

1. Recognize the community college as an important partner with other institutions in higher education.
2. Ensure cooperation between the local board and the state Board of Governors.

Individual Trustee Goals

1. Evaluate your personal effectiveness as a trustee at least once a year.
2. Participate in educational development opportunities.
3. Ensure that all district business is channeled through the college CEO for recommendations to the board.
4. Openly share your ideas and experiences.
5. Attend college activities when possible.
7. Serve as an advocate and liaison between the college and the community.
8. Become familiar with and represent the entire college program.
9. Participate in board meetings on a regular basis and arrive on time.
10. Review all board materials received in advance of the board meeting.

Conclusion

You are a trustee because you have a sincere desire to provide a public service to others in order to carry out the legal, ethical, and moral obligations of the corporate body. You are a community college trustee because you believe in California's community college system and want to play a role in making it better. The job is demanding, time-consuming, and requires someone with vision; however, the rewards are great with unlimited results.

References

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"Toward Excellence in California's Community Colleges." Recommendations from Californians for Community Colleges. 1986.

Ingram, Richard (Ed.) *Governing Public Colleges and Universities*. Association of Governing Boards and Universities. Jossey-Bass, Publishers, San Francisco, CA. 1993.

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2.2 STATUTORY RESPONSIBILITIES

The California Education Code contains laws that govern community colleges including those which define the roles and responsibilities of governing boards. Boards and trustees are also subject to provisions of the Open Meetings Act (Brown Act), Fair Political Practices Act, and laws pertaining to conflicts of interest. In addition, the Board of Governors of the California Community Colleges have established regulations and policies which delimit the role of trustees.

The following is California Education Code section 70902, which authorizes local boards and defines their responsibilities and their power to delegate responsibilities to the chief executive officer of the district.

Authority

(a) Every community college district shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.

The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

Planning

(b) (1) Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the community colleges within the district. In so doing, the governing board shall, as required by law, establish policies for, develop, and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the board of governors for review and approval.

Educational Programs and Standards

(b) (2) Establish policies for and approve courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. Courses of instruction that are not offered in approved educational programs shall be submitted to the board of governors for approval. The governing board shall establish policies for, and approve, individual courses that are offered in approved educational programs without referral to the board of governors.

(b) (3) Establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

(b) (8) Establish rules and regulations governing student conduct.

(b) (12) Within the framework provided by law, determine the district's academic calendar, including the holidays it will observe.

Employment

(b) (4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

Budget and Asset and Operations Management

(b) (5) To the extent authorized by law, determine and control the district's operational and capital outlay budgets. The district governing board shall determine the need for elections for override tax levies and bond measures and request that those elections be called.

(b) (6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.

(b) (9) Establish student fees as it is required to establish by law, and in its discretion, fees as it is authorized to establish by law.

(b) (10) In its discretion, receive and administer gifts, grants, and scholarships.

(b) (11) Provide auxiliary services as necessary to achieve the purposes of the community college.

(b) (13) Hold and convey property for the use and benefit of the district. The governing board may acquire by eminent domain any property necessary to carry out the powers or functions of the district.

Shared Governance

(b) (7) Establish procedures not inconsistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(b) (14) Participate in the consultation process established by the board of governors for the development and review of policy proposals.

Delegation of Powers

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate; provided, however, that the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

2.3 THE STUDENT TRUSTEE

State law requires the board of trustees of each community college district to have at least one student member to be chosen by the students in the district in a manner determined by the board. To be eligible, the student must be enrolled in a community college of the district for at least five semester units. The term of office for the student trustee is one year, commencing on May 15 or June 1 of each year.

Student Member Rights

1. Right to attend all meetings — The student trustee has the right to attend all meetings of the governing board, with the exception of closed sessions. Attendance at closed sessions is a discretionary privilege that may be granted the student trustee. If granted, the student may attend sessions other than those on personnel or collective bargaining matters *as specified by board policy*. Materials furnished or informally disclosed during a closed session are considered confidential unless otherwise specified.

2. Participation — During all meetings, the student member has the right to participate in discussion, to question witnesses, and to be seated with the board. The student, as an official member of the board, is entitled to receive materials furnished to regular board members for the purpose of that meeting, with the exception of materials related to closed session.

Student Member Privileges

Each local board has the discretion to grant certain privileges to the student trustee. These privileges must be approved for continuation on a year-to-year basis prior to May 15 and include:

1. Make and second motions — The board may grant the privilege of *making and seconding motions*.

2. Compensation — The nonvoting student member is entitled to expense reimbursement to the same extent and under the same policies as governing board members, however, receiving compensation as prescribed in Education Code Section 72425 is at the discretion of the governing board.

3. Advisory vote — The student trustee does not have the right to vote, and shall not be afforded the right to vote by a district. However, although not referenced in statute, several districts have established an *advisory vote* for the student trustee. This advisory vote does not count in determining if an item passes, but is logged in the official minutes. Because the student trustee does not vote, the student member is not liable for any acts of the governing board.

Becoming Effective

To become better acquainted with the issues and the student trustee position, the following is suggested:

- ▹ Meet with:
  1. Previous student trustee
  2. Chancellor or district superintendent/president (ask CEO what other administrators would be good to talk with)
  3. Board president and other board members

4. Dean of Students and/or the advisor to the position

- Obtain and carefully read:
  1. District administration rules and regulations
  2. Board policy manual
  3. Faculty handbook
  4. Student government constitution and directives
  5. Other important materials specific to your district such as the most recent accreditation report and any long-range planning documents

- Attend meetings related to important issues:
  1. Board meetings prior to taking office
  2. College and state conferences
  3. Campus committee meetings
  4. Meetings of the student association
  5. Meetings of community groups

Staying Informed

Student trustees should be aware of current issues and prepare themselves for board meetings. Effective decision-making requires understanding the role as a member of the board—with a student perspective certainly, but remembering that the student trustee is not a "representative of the students," but a member of the board.

As with any obligation, the ability to be heard and to influence others depends on taking seriously the responsibility as a student board member. "Doing your homework" about the issues before the board enhances effectiveness.

It is vital that the student trustee remain informed of what is happening within the college community. Student members of the board have achieved this by utilizing some of the following methods:

1. Meeting with the CEO to discuss the board agenda or go over other questions or concerns.
2 Meeting with the student government president to discuss student activities and issues, request minutes of council meetings and campus committee meetings as appropriate.
3. Reading reports, articles and other materials to enhance understanding of the educational system and current issues.
4. Spending some time sharing experiences and ideas with other trustees (students and regular) from the member's board and other boards.

2.4 ACCREDITATION and the BOARD ROLE

Judith Watkins, Associate Director of ACCJC, contributed major portions of this section.

Accreditation

Institutional accreditation by the Accrediting Commission for Community and Junior Colleges (ACCJC) of the Western Association of Schools and Colleges is a voluntary, nongovernmental process involving institutional self-study and professional peer review. Accreditations provide two essential services: quality assurance to the public and other institutions, and institutional improvement through a peer review process.

The Western Association of Schools and Colleges consists of three independent commissions: the Accrediting Commission for Schools (K-12), the Accrediting Commission for Community and Junior Colleges, and the Accrediting Commission for Senior Colleges and Universities. The ACCJC accredits almost 150 colleges in California, Hawaii, and the former U.S. Trust Territories in the southern and western Pacific. The commission currently consists of 17 members: five faculty, three administrators, three public members (one of who must have had trustee experience), one representative from the California Community College Chancellor's office, one representative from the Hawaii Community College system, one representative from the Pacific Islands region, one representative of non-public colleges, and one representative each from the Senior Commission and the Schools Commission.

Accreditation is a continuing process, the heart of which lies in periodic self-appraisal by an institution. In preparation for each accreditation visit, every institution prepares an extensive report with primary emphasis on self-analysis and evaluation. Preparing the report usually involves representatives from all employee groups and areas of the college. The report and other materials are sent to an evaluation team, which visits the college, meets with groups and individuals, validates the self-study report, and reviews the college's responses to the previous report.

The typical visiting team includes a chair, a CEO, a chief instructional officer, chief student services officer, four or five teaching and non-teaching faculty, a trustee, and business officer.

The comprehensive self-study and evaluation are conducted at least every six years. Ongoing evaluation and planning enable colleges to incorporate much self-study into the regular review processes of the institution; however, the self-study and planning for the accreditation report generally begin two years prior to the scheduled accreditation visit.

Between scheduled visits, each institution addresses its own and previous visiting team recommendations and submits annual and other reports. The effectiveness of self-regulatory accreditation depends upon the institution's acceptance of specific responsibilities, including complying with all of the standards and abiding by the Commission's policies, procedures, and decisions.

Accreditation Standards

While the Commission works to establish minimum standards of quality for institutions, its primary focus is to foster educational excellence. Each institution has the responsibility to define characteristics of quality and excellence in accordance with its stated mission and to present evidence that such quality and excellence is being achieved. The Commission tries to deal with institutional differences in ways that protect both general standards of excellence and individualized educational philosophy and practice.

The Commission standards, policies, and procedures are periodically reviewed and revised in consultative processes involving accredited colleges, constituent organizations, and the members of the Commission itself. The most recent revision of the standards for community and junior colleges was published in 1990.

The eight major areas of institutional effectiveness covered by the standards are:

1. Institutional Integrity, Purposes, Planning, and Effectiveness.
2. Educational Programs.
3. Student Services and the Co-Curricular Learning Environment.
4. Faculty and Staff.
5. Library and Learning Resources.
6. Physical Resources.
7. Financial Resources, and
8. Governance and Administration (This standard includes the roles of the Board of Trustees).

Board Role and Responsibility

Members of the board may be involved in the self-study process in a number of ways. At the time the self-study report is submitted, the chairperson of the board signs the self-study document which attests to the accuracy of the report in reflecting the nature and substance of the institution. The board of trustees, as the governing board of the district, will review the final report of the evaluation team, and is ultimately responsible for ensuring that the college responds to the issues raised in the self- study, the recommendations of the evaluation team, and the decisions of the Commission. Boards may also assume leadership in ensuring that the self-study report and subsequent recommendations become an integral part of the institutional planning process. Standard 8A.8 requires that the board of trustees be informed about and involved in the accreditation process.

Boards of trustees for multi-college districts may find themselves interacting with several colleges undergoing self-study at the same time. Accreditation is achieved by colleges, not districts. Governing boards should work closely with each of the institutions to achieve consistency in their participation.

How the board of trustees participates in the development of the self-study will vary among institutions with different missions and needs. Examples of trustee involvement might include participation on the steering committee, involvement with committees for standards related to areas of trustee responsibility, asking for regular reports on board agendas about the process and progress of the self-study, or other appropriate activities developed cooperatively with the college.

In any case, trustees will be involved in developing the self-study responses to the standards directly related to the board.

Responding to Standard 8A

The board and CEO should establish a plan for addressing Standard 8A, "The Governing Board," at the beginning of the accreditation self-study process. The discussions related to the governing board standard occur in the context of the overall institutional self-study and should be coordinated with the efforts of the college steering committee for the accreditation process. The plan to develop the self-study response may include:

- assessing the status of current policies related to the standard.
- establishing strategies to develop or revise policies and procedures where needed, and

Standard 8A

Governance and Administration

Postsecondary education has a tradition of broadly shared authority and responsibility. For an institution to serve its purposes and achieve its goals each major constituency must carry out its separate but complementary roles and responsibilities. Institutional governance mechanisms provide the means through which policy is developed and authority is assigned, delegated, and shared in a climate of mutual support.

Standard 8A The Governing Board

The governing board is responsible for the quality and integrity of the institution. It selects a chief executive officer, approves the purposes of the institution, and responsibly manages available fiscal resources. It establishes broad institutional policies and delegates to the chief executive officer the responsibility to administer these policies. There is a clear differentiation between the policy-making function of the board and executive responsibilities. The board protects the institution from external pressures and provides stability and continuity to the institution.

8A.1 The board includes adequate representation of the public interest and the diverse elements of the population it represents. Arrangements provide for the continuity of board membership and staggered terms of office.

8A.2 Board policies include a statement of ethical conduct for its members. The board acts as a whole; no member or committee acts in place of the board. Board policy precludes participation of any of its members or any member of the staff in actions involving possible conflict of interest.

8A.3 The board is responsible for the financial soundness of the institution and ensures that the educational program and the physical facility plans are of high quality and consistent with institutional purposes.

8A.4 The board reviews and approves educational programs, and ensures that programs, degrees, and certificates are of satisfactory quality, consistent with institutional purposes.

8A.5 The board approves an effective organization which serves institutional purposes.

8A.6 After appropriate consultation, the board selects and provides regular evaluation of the institution's chief executive officer.

8A.7 The board has a process by which its own performance can be assessed.

8A.8 The board is informed about and involved in the accreditation process.

8A.9 In multi-campus systems, division of responsibility and authority between the system office and the institution is clear; system policies and procedures are clearly defined and equitably administered.

- establishing time-lines and assigning responsibilities including establishing committees, gathering resources, scheduling work sessions, and developing drafts for review.

Exploring each section of Standard 8A prior to developing and implementing the policies and procedures promotes good board/CEO relations. Because the results of this process reflect and make public the values and priorities of the college leadership, college boards are encouraged to devote significant time and thought to these important issues. Generally, the more informal nature of a board retreat or workshop facilitates open discussion of the concepts that the board will want included in its policies and procedures. Refinement and adoption of policies would then take place at a regular business meeting.

Through a thorough and deliberative exploration of the issues involved in each of the areas, boardsmanship is enhanced and the college is ultimately strengthened. It is important that all board members be significantly involved in the discussion — it is through that involvement that a group commitment to the policies and processes developed is assured.

3.1 TRUSTEE ETHICS

Community college trustees have always had responsibility for making policy. (Refer to §72000, Chapter 3 of the California Education Code.) Of paramount importance is maintaining the distinction between the board *making* policy and the administration *implementing* policy. Beyond hiring and evaluating chief executive officers, trustees handle most of their responsibilities at regularly scheduled board meetings.

Changing circumstances have altered the traditional role of the community college trustee. Social, political, and economic developments have thrust trustees into a broader range of activity. It is of vital importance for trustees to act individually and collectively in helping the college achieve its objectives without breaching the ethics of boardmembership.

Revisions to college accreditation standards in 1990 included a requirement that community college boards establish a code of ethics or standards of professional conduct for themselves.

Importance of Ethical Behavior for Trustees

The importance of trustee ethics cannot be underestimated, and the issues addressed here will provide trustees with greater insight into the sensitivity they must constantly exercise to avoid a breach of ethics.

Trustees acting ethically and legally can greatly enhance the quality of community college governance. Generally, colleges are perceived as being only as ethical as their leadership. Community college trustees must place the interests of the students, college staff, and the general public ahead of their personal interests or those of any special interest groups.

As defined in the *Dictionary of Education*, ethics deal with not only the rightness and wrongness of actions but also with *judgments of obligation* or the *oughtness* of behavior. To be ethical means behaving in accordance with established moral standards of conduct. Such standards vary in different parts of the United States, and with peoples' life-styles and values.

The *Dictionary of Education* also describes a **governing board** as a body which *constitutes in its collective entity a juristic person holding in a trust the property and endowment funds of the institution.* As a *juristic person*—a fictional person created by law—the board of trustees can legally function only as a group. (For more on this, see the chapter Community College Trustees: Powers and Responsibilities.) Individual acts of a trustee in relation to college matters, on the other hand, are considered as those of a private citizen and are to be handled with extreme care during a member's term of office.

There are several sensitive areas of concern to trustees:

1. handling special interest groups.
2. managing conflicts of interest.
3. following appropriate channels
4. maintaining appropriate conduct at board meetings.
5. exercising authority as a trustee.
6. handling administrative matters.
7. filing compensation and expense accounts, and
8. campaigning and elections.

1. Handling Special Interest Groups

Trustees often are confronted with issues supported by special interest groups. Special interest groups may include unions, economic, racial and religious groups, geographical areas, and political parties. Although a trustee may be elected because of the support of one or more special interest groups, once elected, the trustee must remember that the *first and foremost obligation of every trustee is to represent the general interests of the college district or service area.* This includes the interests of all citizens.

By the nature of the position, trustees are expected to represent the community's condition, needs, and aspirations to the college. At the same time, they are to communicate the mission and needs of the college to the public. To do so, trustees must act only on the basis of what is in the best interests of the district and its college(s). Actions which must be taken to remain fair and impartial will vary among trustees.

2. Managing Conflicts of Interest

Perhaps one of the most sensitive ethical issues facing trustees is learning to deal with conflicts of interest. (For an excellent illustration of various kinds of conflicts of interest, see Houle, 1989, pp. 139-141.)

California's Political Reform Act (PRA) requires public officials at all levels of government to publicly disclose their private economic interests and to disqualify themselves from participating in decisions in which they have a financial interest. Examples are: investments, interests in real estate (real property), or sources of income or gifts, which the official may possibly affect by the exercise of his of her official duties. Disclosure is made on a form called a *statement of economic interests* which becomes a public record.

Conflicts of interest relate not only to the individual trustee, but also to his or her family and associates. The trustee who avoids doing business with the college or having the college do business with a relative, friend, or a company in which the trustee, relative, or friend is an owner, officer, employee, or director is dealing effectively with this sensitive issue.

If a public official has a conflict of interest, the PRA may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence or attempt to influence a governmental decision.

A candidate for board membership should announce plans to divest himself or herself as early as possible of any areas where a conflict of interest could occur. As the courts have clearly demonstrated, boards or their members can be successfully sued for damages in conflict of interest cases where it is proved their behavior harmed the plaintiff.

Employment of trustees or members of their families by a community college is one of the most common forms of conflict of interest. While it is legal for a college to employ the relative of a trustee, it may be difficult to maintain an objective, hands-off attitude in financial or business matters that will personally benefit a spouse or relative.

It is possible to avoid a breach of ethics, but the pressures of potential conflicts are great. Merely abstaining on a vote to do business with oneself or to hire a friend or relative may comply with the strict interpretation of the law, but such practice may lead to an erosion of standards and is poor public relations with the taxpayer voters. Abstention from a vote does not relieve the pressure that may inhibit the vote of the other board members.

Being sensitive to situations for potential conflicts and understanding the legalities will help you, as a trustee, to avoid problems. Houle recommends two basic practices that are easy to follow and will prevent problems from developing: let other board members know of any potential conflicts; and do not participate in any situations in which the conflict of interest could influence a decision or outcome.

3. Using Appropriate Channels

It is of the utmost importance for trustees to use proper channels in handling grievances of students, staff, or citizens. Trustees have the legal right to give direction to only one employee—the community college district superintendent or chancellor. Unless specifically referred by the chief administrator, contacts with other college personnel—administrators, faculty, and classified staff members—should be somewhat limited.

Complaints made to any trustee should be referred directly to the appropriate administrator or to the chief executive officer. Every community college has, or should have, policies to redress grievances of students, employees, or citizens. If complainants do not receive a satisfactory resolution, they are entitled to bring the grievance before the full board of trustees, but only after all administrative remedies have failed. The complainant must provide evidence establishing the legitimacy of the complaint and that the administration did not resolve it properly. Trustees, then, are only involved in resolving grievances as a last resort.

4. Appropriate Conduct at Board Meetings

Having the right motives—Trustee statements or actions should reflect the best interests of the college and community. To do this, trustee statements and actions should be honest, forthright, and open. Trustees should strive for board unity in promoting the best interests of the community college to the public. Trustee professionalism and ethics infer having the right motives in serving the college and community.

Keeping the board members informed—Trustees are responsible for keeping the superintendent or chancellor, designated administrators, and other members of the board informed of any topic they wish to discuss at the board meetings. Topics of discussion must be placed on an agenda. The trustee should inform both the district chief executive officer and the board chair of any citizen complaint made directly to the trustee. The CEO and other board members are likewise responsible for maintaining an open, cooperative environment and promoting a free exchange of information at the board meeting.

Maintaining confidentiality—An important aspect of trustee professionalism is maintaining confidentiality concerning sensitive issues discussed in closed session. To consider certain items as confidential and treat them so is very important. Most of what the board does is public record. Certain items discussed in a closed executive session should be considered confidential, however, until there is a need for public disclosure.

Violating confidentiality occurs when a trustee discloses information that transpires at a closed session of the board—either informs the union of the collective bargaining strategies and positions that were developed at the session or immediately leaks the information to the news media. The only circumstances under which disclosure of confidential information is proper include where it is necessary to prevent substantial harm or the information involves illegal conduct.

Consideration for others' opinions—An important consideration in maintaining harmonious operations is to have regard for your fellow board members' opinions and those of others in the constituency. Remaining courteous and open-minded and treating others with honesty, decency, and mutual respect are extremely important. Avoiding bitter arguments and using courteous noninflammatory language at board meetings can help create an atmosphere for solving problems, building board unity, and enhancing the esteem and image of the board or college.

5. Exercising Authority as a Trustee

As elected officials, trustees bring the perspective of lay citizens to their role as board members. Carrying out the legal, ethical, and moral obligations of the corporate body requires a sincere desire on the part of a trustee to provide a public service to others. This also implies acceptance of the:

- philosophy and concept of the community college movement.

- legal and fiscal responsibilities as defined by the state statutes in California Education Code.
- time to discharge duties other than regular trustee board meetings (i.e., trustee training and orientation sessions, special meetings).
- legislative needs and willingness to participate in legislative action, and
- role of the trustee as a policy-maker and not as an administrator.

There is, however, a great deal to learn about the individual community college they serve. Learning to be a good trustee requires much time, effort, and thought. When the trustee has a specialty, he or she can help the board to know what questions to ask, define the issues, explain the language, and suggest a basis for judgment. The trustee must stop short of either giving a legal opinion or performing an audit.

All decisions made by boards of trustees are decided by a vote of the total board in a public meeting. Away from the board table, each trustee speaks only as an individual and cannot make commitments for the board as a whole.

Board members differ in personality, motivation, knowledge, attitude, experience, background, community stature, and capability. How can such a diverse group achieve board unity?

Where there are differences of opinion, trustees should ask if their position is in the best interest of the college and the community. Disagreements can expose alternatives, stimulate the imagination, and lead to creative solutions. Remaining open and respecting other members' viewpoints are necessary to reach a consensus of opinion. Once a policy or position has been decided by the board, a trustee must be prepared to support it.

Being a good board member requires the ability to function as part of a team. The key to success is for each trustee to function as part of a carefully orchestrated plan worked out cooperatively with the district's chief administrator and the other board members. When trustees articulate the priorities and messages of the community college in a consistent, unified manner, the college's position is strengthened.

6. Handling Administrative Matters

One of the most sensitive areas facing trustees is learning to handle administrative matters. Problems can occur when trustees do not fully understand their responsibilities in relationship to those of the CEO and professional staff. Board retreats with an outside resource person and trustee training can be utilized to inform trustees of their responsibilities.

Part of trusteeship involves working closely with the district superintendent. It is an extremely important supportive role. Some well-meaning trustees, however, do become involved in administrative matters. Although well-intentioned, these trustees are performing acts that are both harmful to the college and to the office of the chief executive.

7. Compensation and Expense Accounts

It is extremely important that trustees accurately account for their expenses. Trustees should be familiar with appropriate reimbursement criteria and procedures, and should be scrupulous about any expenses for which they are reimbursed by the college. Two questions to ask yourself are:

1. Is it an authorized, legitimate, direct, and reasonable expense of my trusteeship?
2. Would I mind seeing it on the front page of a newspaper?

8. Campaigning and Elections

In 1988, California voters altered the election laws by passing two election reform propositions. Several issues—primarily concerning election committees and campaign contributions—are still in litigation and some will likely result in further legislation.

The major effect on community colleges was the change in the Mass Mailing Regulations. Essentially, they forbid the mailing—at taxpayer expense—of any publication which highlights trustees' activities or carries their photographs. For example, the Board President may not write and sign a letter to students for publication in the class schedule *if* it is to be mass mailed. However, the letter could be included if it is signed, "The Board of Trustees." The same applies to the college's newsletter: if it is to be mass mailed, it may not carry any articles or photos that *feature* trustees. A roster listing of board members can be used if it is set in type no larger than any that surrounds it.

The intention was to limit the perceived advantage incumbents have in keeping their names before the voters. A complete review of all these regulations is available from the Fair Political Practices Commission.

Consequences of Unethical Conduct

Only infrequently should a board find it necessary to deal with ethical problems relative to a single trustee. This is the proper role of the board chair/president, unless the problem happens to be that person. Learning about trustee responsibilities in a fundamental way can prevent ethical problems.

A trustee, however, who frequently cannot support positions or policies decided by the board is in a difficult position and may consider resigning his or her position. This is not to deny the legitimacy of constructive dissent as long as it does not become divisive or personal.

If one board member makes conflicting requests to a legislator or independently pursues a pet project, he or she is jeopardizing the position of the college. Furthermore, a trustee whose service is hindered by conflict of interest should also consider resignation or choose not to serve another term.

Conclusion

These eight critical areas have been examined in relation to trustees' personal ethics. With the traditional role of the trustee changing, the topics addressed are among those identified by trustees who are concerned about being able to perform in a manner befitting the trust they hold.

Through a higher level of sensitivity, a deeper sense of awareness, and a broader base of understanding, trustees and presidents may cooperatively guide our community colleges into the twenty-first century and achieve greater levels of success and effectiveness.

Board unity occurs when well-qualified, highly motivated board members observe a code of ethics and work together with a competent administrator.

Code of Ethics

The *Association of Community College Trustees* in Washington, D.C., has published a *Code of Ethics* (Potter, 1986) which may be appropriate for you as you think about fulfilling your role on a community college board.

1. To devote time, thought, and study to the duties and responsibilities of a community college board member that I may render effective and creditable service.

2. To work with my fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debates of points of issue.

3. To base my personal decision upon all available facts in each situation; to vote my honest conviction in every case, unswayed by partisan bias of any kind; therefore, to abide by and uphold the final majority decision to the board.

4. To remember at all times that as an individual I have no legal authority outside the meetings of the board, and to conduct my relationships with the community college staff, the local citizenry, and all media of the community on the basis of this fact.

5. To resist every temptation and outside pressure to use my position as a community college board member to benefit myself or any other individual or agency apart form the total interest of the community college district.

6. To recognize that it is as important for the board to understand and evaluate the educational program of the community college as it is to plan for the business of college operation.

7. To bear in mind under all circumstances that the primary function of the board is to establish the policies by which the community college is to be administered.

8. To welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current college operation and proposed future developments.

9. To support the state and national community college trustees association.

10. Finally, to strive step by step toward ideal conditions for the most effective community college board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and the perpetuation of our representative democracy.

Ten Truisms of Trusteeship

Trustees should:

1. Exercise authority only as a board
2. Use appropriate channels
3. Maintain confidentiality
4. Appropriately handle transactions with special interest groups
5. Respect opinions of other board members
6. Deal openly with issues
7. Properly handle conflicts of interest
8. Have the right motives
9. Promote the best interests of the district, its college(s) and community
10. Handle administrative matters appropriately

To Discuss in a Board Retreat, Meeting or Training Session

A board of trustees could profit from meeting as a group to determine what constitutes ethics and ethical behavior to this particular board. Topics to be considered by the board would include:

- specific situations involving ethical behavior
- various ways in which trustees may abuse the trust invested in them
- possible mechanisms for avoiding problems
- state laws pertaining to the duties of a college trustee and to all elected and appointed public servants

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3.2 BOARD SELF EVALUATION

"Trustees have an increasingly important role to play. They are the legal owners and final authority for the institutions whose assets and operations they hold in trust. ....They must satisfy not only themselves but others that the institution is heading in the right direction and is well-managed. In short, they must fulfill their responsibilities, legal and moral, as trustees." John Nason, *Trustee Responsibilities*, Association of Governing Boards, 1983.

Board policy should contain a process through which the board assesses its own performance. The process that is established may be as formal or informal as the board wishes, and may change as the board determines which procedures provide useful information for the board, and which do not.

In fact, the WASC Accreditation process includes Standard 8A.7 *"The board has a process by which its own performance can be assessed,"* requiring board self-evaluation. Accreditation self-studies and visiting teams may ask the following questions related to the standard:

- What do you do?
- Did you do it?
- How did you develop the process?
- Where are the process and results recorded?
- How did you use the results?
- Have you grown as a board?
- What evidence do you have of its effectiveness?

It is important to note that the standard speaks to the board as a whole, not to individual trustees. It is the evaluation process of the overall effectiveness of the board as a group making decisions and of the results of those decisions that is the focus of the discussion for the accreditation report. Trustees may incorporate individual self evaluations should they desire.

During the evaluation process, the integrity and rights of individuals must be respected. Each trustee contributes to the overall functioning of the board and decides how to apply the evaluation to his or her role.

Purpose

The board self evaluation is very different from the political evaluation which takes place every few years at the ballot box. The election process has many variables and it is extremely difficult to determine how a board can specifically improve its own effectiveness through election results.

The purpose of the board self evaluation is to identify those areas of board functioning which are working well and those which may need improvement. In addition to identifying specific issues, the discussion of the board's roles and responsibilities can build communication and understanding among board members of each others' values and strengths and lead to a stronger, more cohesive working group.

As discussed in the section on CEO evaluation (4.2), the evaluation of the board and the CEO are linked, given the unique nature of the relationship between the board and CEO, and boards may wish to recognize the relationship when developing the evaluation processes.

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Among the objectives of a board evaluation that are similar to the CEO evaluation are those related to how well the institution is fulfilling its mission. Both evaluations may result in plans to implement strategies to address areas which need improvement. Other evaluation criteria are board specific and could include such questions as:

Board organization and dynamics. Are the roles of the board chair and other officers clear? Are meetings conducted in such a manner that the purposes are achieved effectively and efficiently?

Decision-making processes. Do board members respect each others' opinions? Are discussions structured so that all have an opportunity to contribute to the decision? Do board members have adequate information upon which to base decisions?

Trustee education and development. Do new board members, including the student trustee, receive an orientation to the roles and responsibilities, and to the district's mission and policies? Do all board members receive support for ongoing education about college and state issues? Is information shared among board members about important issues?

Board/CEO relations. Does the board keep the CEO informed of contacts with the community or college employees? Is the board available to the CEO for support and feedback?

Board/college relations. Does the board show its support for the college through members attending various events? Is the board sensitive to the concerns of students and employees while maintaining impartiality and support for the CEO? Is the board knowledgeable about the institution's history, mission, values, strengths, and weaknesses?

Board/community relations. Does the board reflect the community which it serves? Does the board have strategies for involving the community in relevant decisions? Does the board help promote the image of the college in the community?

Board agendas. Do agendas focus on those policy issues that relate to board responsibilities? Do they include legislative and state policy issues that will impact the college? Do they provide adequate time for planning and discussion? Are agendas focused enough to use the board's time efficiently?

Priorities. What issues have most occupied the board's time and attention during the past year? Were these closely tied to the mission and goals of the institution? How much time has the board spent on planning and providing a vision for the college? Is that enough time? What were major successes of the board during the past year? What contributed to the successes?

Goals and Objectives. The board may consider setting goals and objectives for its own functioning each year, and evaluating itself annually on how it has achieved them.

Process

There are a variety of considerations a board may address in developing the evaluation process.

Who is involved. All board members, including the student trustee, will likely complete evaluation instruments and be involved in the discussions. The CEO can provide resources and much information. In addition, boards may consider inviting comments from those who sit at the board table or who attend meetings regularly as part of their leadership or management roles.

A committee of the board and/or the CEO may be assigned the responsibility of developing a proposal for the process and draft evaluation instruments for board approval. Consultants and facilitators are often helpful to boards in developing and conducting an evaluation; they can provide an independent, non-biased influence to help keep boards discussion focused and positive.

The evaluation session. The evaluation session may take place at a regular business meeting, workshop, or retreat. No matter when the board decides to hold the discussion, it is important to allow enough time for exploring and planning.

Many boards will decide to conduct the evaluation annually, although it could take place more or less often depending upon the needs of the board. The ongoing nature of decision making between the CEO and the board also may involve continual evaluation of the decision-making process.

Evaluation instruments. Evaluation instruments and checklists can be very helpful as tools for members to clarify their thoughts. Some of the instruments available focus on individual trustee performance: districts would need to adapt them to board performance. As with any evaluation instrument, the resulting discussion is generally more valuable and important to the performance of the board than the data obtained from the instrument.

Evaluation outcomes. A comprehensive statement summarizing the discussion and incorporating proposals for the future will be very helpful to boards in guiding their performance and planning.

Resources

Sample processes, general information and forms are available from the League, 916/444-8641.

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3.3 THE DECISION-MAKING RESPONSIBILITY

The first three statements of the Association of Community College Trustees' *Code of Ethics* provide essential guidance for making decisions as a trustee:

- devote time, thought, and study to the duties and responsibilities of a community college board member to render effective and creditable service,
- work with fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debates of point of issue, and
- base personal decision upon available facts in each situation; vote honest convictions in every case, unswayed by partisan bias of any kind; therefore, abide by and uphold the final majority decision of the board.

As a trustee, your decisions determine whether the district will be successful in educating your community's citizens. You have a solemn responsibility to dedicate time and thought to making decisions in the best interests of the community and colleges.

Decision Making Hierarchy

Boards of trustees do not operate in a vacuum. The larger the organization, the more the leaders need the support of the individuals within the organization to make it work. Shared governance mandates that different groups be involved in decisions affecting the colleges, and most decisions involving the colleges are delegated to staff through the CEO. Understanding and using the decision-making hierarchy is useful in understanding decisions made at all levels of the college, and can increase support for board decisions.

Level One: Decide and Announce

The leader, alone, makes a decision and announces it to the group. Decisions are made quickly, and in emergencies, allow for quick response. Drawbacks are that the necessary information may not be available, and the group has limited understanding when implementing the decision.

Level Two: Gather Input and Decide

The leader solicits input, usually from individual staff members and other resources one at a time. After collecting the information, the leader decides.

Decisions are made quickly, and there is some data on which to base a decision. The information may be conflicting, and there is still limited understanding and buy-in from the group.

Level Three: Gather Input from a Group and Decide

The leader gathers a group together and collects input before making the decision. Decisions may be made after one meeting, more data is available and it can be confirmed by members of the group. Group members have a better understanding of the decision; however, they have less commitment to the decision than at higher levels.

Level Four: Group Decisions

The leaders and the group make the decision, which is one that everyone supports and is willing to implement. Consensus is a preferable strategy, as all members of the group are together in the final decision. However, voting may be used if consensus cannot be reached or time runs out before reaching consensus. If the leader is responsible for the decision, a fallback method to make decisions if consensus cannot be reached is to revert to level three.

This level results in more information and a more thorough discussion of the data and options. Group members are more committed to the decision. However, it takes time, not all decisions require this level of involvement, and it may not be valid in emergency situations.

Level Five: Delegate Consensus With Constraints

At this level, the leaders delegate decision making to the group. In doing so, they establish parameters within which the decision can be made (mission, goals, and ethical and legal processes).

Boards of trustees operate at this level for all but decisions at the highest policy level. Most decisions at the college should be made by the administrators, faculty, staff, and student groups charged with the operations of the college.

This level frees the time of the board to focus on refining and evaluating the mission and goals of the college. The board must be willing to support the decisions made by the different groups.

What Decisions Does the Board Make?

The most important decisions the board makes are those establishing and evaluating the mission and goals of the district and its colleges and related policies, and the selection, support for, and evaluation of the chief executive officer. If a board does nothing else well, it will still have achieved a significant measure of success.

John Carver in *Boards that Make a Difference* outlines a model for policy governance in which the board makes decisions only in the following areas:

Ends: The board defines which human needs are to be met, for whom, and at what cost. Written with a long-term perspective, these mission-related policies embody most of the board's part of long-range planning.

Executive Limitations: The board establishes the boundaries of acceptability with which staff methods and activities can responsibility be left to staff. These limiting policies, therefore, apply to staff means rather than to ends.

Board-Executive Linkage: The board clarifies the manner in which it delegates authority to staff as well as how it evaluates staff performance on provisions of the Ends and Executive Limitations policies.

Board Process: The board determines its philosophy, its accountability, and specifics of its own job. (Carver, 1994)

The California Education Codes outlines in more detail areas of board responsibility, and provides that the powers may be delegated to the CEO and other college staff or committees:

- establish policies for comprehensive academic and facility planning
- establish policies for and approve instruction and educational programs
- establish academic standards and graduation requirements
- employ and assign all personnel
- oversee budgets and tax/bond measures
- manage and control district property
- establish procedures for shared governance

- establish rules for student conduct
- establish fees as required by law
- accept grants, gifts, and scholarships
- provide auxiliary services
- determine the academic calendar
- participate in the Board of Governors consultation process

Steps in Making Decisions

Trustees are **responsible** for spending a significant amount of time preparing for board meetings, to ensure that they, as the board, make well-informed decisions. Experienced trustees suggest setting up a system for study and learning about issues and for following up on decisions. Also it is important to set aside an appropriate amount of review time, and to develop a process for asking questions to gather more information.

The following steps can be taken as a trustee seeks to make a decision:

1. **Clarify and explore the issues**

   Understand what the issues and problems are, and what is trying to be accomplished by the decision. Consider many alternatives. Obtain information from the affected parties. Eliminate impractical or improper alternatives.

2. **Weigh the options**

   Distinguish facts from beliefs, desires, and emotions. Consider the credibility of the information received. Assess the likely consequences of the decision on personnel, delivery of education, programs, and budgets. Clarify the criteria to be used in making the decision.

3. **Decide (at the board)**

   Make a judgment, considering the best and worst case scenarios. If there is difficulty in deciding, consider adjusting the goals and methods. Consult with those affected by the decision.

4. **Oversee the Implementation**

   The implementation plan should maximize the benefits and minimize the costs and risks, and be capable of being adjusted as new information comes up.

5. **Evaluate**

   Working with your CEO, set a timeline and process for reviewing and assessing the results of the decision and its implementation.

During Board Meetings

Decisions are made at the board meetings, using parliamentary procedures and majority voting. Individual board members should come to the meeting with an open mind, without having made a decision prior to the meeting. Suggestions for being an effective participant are:

1. Actively participate.
2. Provide input and direction.
3. Be objective.

Decision-Making Criteria and Questions

As trustees study specific items in the board agenda packet, the following questions and criteria are suggested (Hartstein):

- Do I thoroughly understand it?
- What problem is it addressing? Is it the "real" problem?
- Is a decision really required at the board level, or is it able to be addressed through existing board policies and guidelines?
- Is it more appropriately an administrative matter? To whom should it be delegated?
- What guidance does the mission, goals, and values of the institution provide?
- Does it meet the overall interests of the college, or is it limited to special interest needs?
- Is it within the law?
- Is it ethical?
- What will in cost in time and money?
- Is it within the budget?
- Does it follow college policies and procedures?
- What evidence or data has been gathered related to the decision?
- What are the advantages and disadvantages of the proposal?
- What will be the short and long-range impact on the college?
- What other information do I need? Where can I get it?
- How will it be evaluated? What feedback does the board need? When?

4. Interact with other members of the board, but not with the public or press.
5. Ask questions to get facts for the decision.
6. Couch inquiries so as to not appear negative.
7. Actively listen to others: listen to what is said as well as what is not said.
8. Respect others viewpoints.
9. Consider issues, not personalities.
10. Clarify the pros and cons, advantages and disadvantages of all alternatives.
11. If you are particularly interested in, have thoroughly studied an issue, and have listened to all sides, then take a position, provide rationale for it, and try to convince others. However, it is counter-productive to try to swing your fellow board members on every issue.
12. Help the chair by ceasing debate when all sides of a question have been explored.
13. Should you not have sufficient data to vote, you may seek to table or postpone to obtain more information, or to avoid making a decision under stress.
14. Abstain from voting if there is a conflict of interest on your part. But don't abstain just because you are fearful of offending a fellow board member or member of the public.

After the board meeting, all board members must:

- Accept and support the decision no matter how they voted,
- Convey understanding of the decision to others,
- Follow up on expected action, and
- Monitor and review the decision regularly.

Conflict Resolution

Conflict is inevitable. Managed well, it incorporates diverse needs and values, fosters creativity, and adapts programs to changing circumstances. Managed poorly, it divides institutions and groups, and wastes the time and energy of those involved.

Poorly managed conflict at the board level creates a negative tone for the entire institution, diverting board and staff energy and motivation from delivering high quality services. A chronically conflicted board harms colleges: those boards that manage their conflict well can lead their colleges to greatness.

Conflict occurs on at least two levels: personal or relationship, and conceptual—related to historical and cultural attitudes and values. Conflict resolution involves the following principles (ASTD, 1989, pg 4-5):

1. Underneath incompatible positions lie compatible interests. The goal is to reach the compatible interests underneath the incompatibility.

2. Every side usually has something valuable to say.

3. Develop a dialogue process where participants search for commonalities.

4. With highly emotionally charged issues, first create an environment where people can express their feelings and concerns without debate.

5. While parties will often stress areas of disagreement, remember and keep reminding all of areas of agreement.

6. Decrease defensiveness through good will and relaxed, non-accusatory communication.

7. State needs only after contact and good will have been established.

8. Both parties cannot express their needs at the same time. Time must be allowed for both to feel they've fully expressed what they want.

9. Step back and think about the goals of the different parties. Are there alternatives so that both can get what they want?

To move to a constructive mode of resolving conflict:

- Periodically remove yourself from a situation and look at it as an observer, not a participant.
- Accept the other person or party and value his or her perspective.
- Accept other points of view as valid needs. Then build on them with your own needs in mind, so that both sets of needs become a mutual goal.
- Explore differences with mutual respect. Respect others, while claiming respect for your own.
- Focus on the potential of growth for both parties as a result of the conflict.

10. Emotions will enter into the conflict. Validate the emotions, but recognize that they can be a barrier to thinking clearly. Find alternative ways to vent destructive emotion, rather than allowing it to hinder the conflict resolution process.

11. Listen, listen, listen. Remember that listening is not the same as agreement.

12. View conflict as a problem-solving process, not a contest.

Trustees on boards have many common interests related to the successful education of the students for whom they are responsible. Keeping in mind the best interests of the college will help guide many conflicts to positive resolution.

Board/CEO Relations

One of the most important decisions a board makes is the selection of a CEO in whom the board has confidence. The board must be able to support the decisions of the CEO and grant him or her the authority to manage and lead the district. The relationship should be based on mutual respect and trust. All parties should always publicly support and protect the others.

It is the CEO's responsibility to ensure that trustees have the data and background needed to make board level decisions. The CEO will seek to provide the same information to all board members and will promptly alert them to problems and issues to prevent surprises. Most boards expect the CEO to make a recommendation on every issue before the board, except those which are strictly trustee issues (such as officers of the board).

Mutually clarifying the roles and expectations of each other, and defining what is enough information and what is too much, will ease the decision-making process.

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3.4 TRUSTEE EDUCATION

As a trustee, you have assumed an extremely important responsibility to provide leadership for a complex educational institution. Community colleges can and do make very significant differences in the lives of the citizens of your communities. Learning about your role and responsibilities, your communities' needs, and your district's services and programs is sometimes an overwhelming task. It takes a great deal of time and energy to gain the knowledge and skills to effectively and appropriately influence the direction for this great educational enterprise.

Orientation Programs

The Community College League of California provides a statewide orientation each winter for newly-elected and appointed trustees. The orientation workshop is a day and a half, and covers board roles and responsibilities, decision-making, legal, and fiscal issues. The annual update of the League's *Trustee Handbook* is distributed at the workshop, and mailed to those unable to attend.

There are many ways that local districts provide orientation for newly elected and appointed trustees. The board chair and chief executive officer are usually the major points of contact for new trustees. Orientation can be an ongoing process involving individual meetings, college and program visits, series of educational sessions, experienced trustee "mentors," and one or two-day workshops and retreats.

There are many documents that will help you develop a more complete understanding of your district. Accreditation self-studies and visiting team reports are excellent documents to get a comprehensive view of the programs and plans. Master strategic, educational and facilities plans and vision statements are important. Budgets and audit reports are useful to review with the CEO and/or his or her delegate. College catalogs and schedules will provide an overview of college offerings and board operations. Minutes and agendas of past board meetings are essential. Many boards also have developed a board handbook containing information on ethics, local protocols and policies, and board self-evaluation processes.

The League plans to gather information from the districts on local orientation programs and distribute summaries and models to the districts in mid-1995.

Conferences and Workshops

All trustees should take advantage of the conferences, seminars, and workshops sponsored by the Community College League and California Community College Trustees (CCCT), the Association of Community College Trustees (ACCT), and other organizations serving community colleges and governing boards. Some events scheduled for 1996 are:

CCCT Annual Conference May 10-11. Westin South Coast Plaza, Costa Mesa

ACCT Annual Convention, October 9-12, Miami Beach, FL

Student Trustee Orientation, late summer/early fall, Northern California

Latino Trustees Annual Meeting, September

1996 League Annual Convention, November 20-23, Doubletree Hotel, LAX

1997 League Legislative Conference and Trustee Orientation, February, Sacramento

Other conferences and workshops are listed in a special section of the Sept-Oct and Jan-Feb issues of the *NEWS*. The organizations listed in the resources section of the *Trustee Handbook* may also be contacted for further information.

Reading

Read board agendas and the college documents identified above thoroughly, and do not hesitate to call the board chair or chief executive officer to ask for clarification of any items.

The bibliography section of the League's *Trustee Handbook* lists excellent reference books, periodicals, and resource materials for trustees. *Governing Public Colleges and Universities* (Ingram, et al, 1993) and *Boards That Make A Difference* (Carver, 1990) are "classics" on the role of boards. The Association of Governing Boards (AGB) publishes excellent materials on trusteeship. Your local district should have some of the references listed as part of a trustee resource library. If not, contact AGB, ACCT or the League for information on how to order materials.

The League sponsors *The Reading Service*, a professional development program for trustees and CEOs. Subscribers to the service receive a monthly selection of books and journals, with an editorial critique and overview prepared by the editorial board. The books and journals sent are selected to provide information helpful in making decisions in today's changing world.

Be Active

Issues arise quickly, and decisions are somewhat more difficult than they used to be due to greater competition for resources. You can only be successful if you continually seek information, are open to new ideas, and remind yourself of the importance of being educated on the issues facing your board and district.

4.1 BOARD/CEO RELATIONS and RESPONSIBILITIES

The district chief executive officer (CEO) is or ought to be the most important single individual connected with the institution. First, that person is the primary agent of the board, the one to whom the board delegates its authority to manage or administer the institution in accordance with policies approved by the board. Second, the CEO is important because the most distinctive colleges result from the educational leadership of men and women with vision and conviction.

The selection, appointment, evaluation, and support of the chief executive are the most important responsibilities of trustees. Unfortunately, no formula exists for a universally successful board-executive partnership. The board is legally—and actually—the dominant partner. However, the arbitrary exercise of the board's power over its CEO is a signal that something has gone very much awry.

It is the district CEO who is responsible for the administration of community college business. In this capacity, the CEO has many roles: academic leader, representative of the college community, top manager, and chief advisor to the board. As the most visible employee, the CEO truly represents the college to its many constituencies.

If your district and its college(s) are going to prosper, good relations must exist between the board and the CEO. This does not mean that a strong board and a strong CEO must always agree on issues, but constant conflict between both entities can be disastrous for your college. Board-CEO conflict is most often cited as the primary reason for presidential resignations.

The success of the relationship depends on a shared sense of purpose, open communication, honesty, and mutual support. Both parties must also understand that the relationship itself is a paradoxical one with inherent tensions. The CEO is hired to carry out trustee policy directives, and at the same time, is looked to by trustees and other members of the college community for guidance and educational leadership. A national survey found that 97 percent of college and university trustees cited the recommendations of the CEO as the most important of nine factors in the decision-making process.

If the primary role of community college trustees is to hire a chief executive officer, then their second most important role is to hold onto a good one. To hold up your end of the relationship, you must understand your responsibilities in the relationship. This guide contains an overview of your responsibilities in the board/CEO relationship, as well as additional references for more information.

The **Trustee Performance Goals** related to the board/CEO relationship include the following:

1. Select, evaluate and retain the best available district CEO, and
2. Ensure that all college business and/or problems are channeled through the CEO for re-commendation to the board.

Appoint a Chief Executive

As outlined in the Education Code, the board of trustees is responsible for employing and assigning all district personnel; and conducting searches. Appointing and retaining the district CEO is of primary importance. The potential effectiveness of the CEO is, at least in part, a function of the process by which he or she is selected.

If that process involves appropriate constituencies, clarifies the board's goals and objectives, and enables the board to select a person it can support fully, then a foundation for success will be established. This responsibility lies squarely on the shoulders of district boards. They alone must accept the challenge of creating a process for the search and selection of their chief executive.

Chief Executive Profile

Most community college boards will undertake an analysis of institutional needs, out of which should flow criteria for selecting a chief executive. Too many districts have made the mistake of defining the qualifications for the CEO without consideration of the needs of the institution and its future direction.

The final selection criteria you approve should be incorporated into a chief executive profile that is relevant to the current and future conditions of the college. Do you need an administrator, educator, fundraiser, caretaker, or a combination of all four? Whether or not today's community college CEO needs to be an administrator first and an educator second depends on the size of the college, its mission, and the strengths and abilities of other staff.

The conditions existing on most community college campuses today, however, demand an effective manager. The CEO must know how to handle people and must be able to prevent crisis as well as manage crisis when it occurs. The counsel, wisdom, trust and cooperation of board members are essential to ensure that the college district is well-managed.

The CEO selection process should result in matching a person to the district's needs at a particular moment in history. The candidate who is ideal for one district might cause havoc in another. Make sure that the person you select possesses the qualifications needed by your institution(s) at the current time.

Selecting a Chief Executive

When a vacancy for chief executive occurs, the board must either create or activate a committee to search for, screen and recommend suitable candidates for final selection by the board. District boards have the option of doing one or a combination of the following things:

1. Constitute themselves as the search and selection committee;
2. Create a committee composed of faculty, administrative officers, community members, and students; or
3. Employ an outside agency/consultant to advertise and screen applications in accordance with board specifications.

One of the most effective and recommended methods is creating a broad-based search-selection committee. Excluding faculty and other constituencies in the search and selection process is usually counterproductive.

A clear statement from the board of what it expects of the search committee will ensure that committee members know their responsibilities and the extent of their authority. Among the items the board might include in a formal charge to the committee are:

- a statement of criteria for selecting the new CEO based on district needs.
- a recommendation of membership on the committee including any instructions regarding the choice of the chair and methods of committee selection (*i.e.*, two administrators, two faculty, two community members, etc.).

- a timetable providing dates by which the board expects recommendations from the committee.
- the expected breadth of the search (some boards have instructed their committees on where to look, others leave this to the committee).
- the necessity of complying with equal opportunity/affirmative action requirements.
- the availability of funds for committee expenses.
- the desirability of employing outside professional consultants.
- the degree of confidentiality or openness expected of the committee.
- the number of candidates to be recommended to the board for final decision and whether these candidates are to be ranked or not, and
- an unambiguous statement of the board's intention to make the final choice and appointment.

Evaluating a CEO

Good boards understand the range of issues related to evaluation of the chief executive and select methods appropriate for evaluating that performance. As a trustee, you must carefully consider both the purposes for, and procedures employed in, conducting CEO evaluations.

How will you approach this critical task? How can you ensure that the impact of the evaluation is positive and not detrimental to the college? The following issues have been identified in response to these questions, and should be considered prior to your adoption of evaluation procedures.

1. When should we evaluate the CEO?
2. Should the evaluation be formal or informal?
3. What types of criteria should be used?
4. What types of rating scales should be used?
5. Who should conduct or participate in the evaluation?
6. How should the results be reported?
7. How can positive changes be made?

You should work with the CEO to ensure that the results of the evaluation will be used to improve the administration and quality of the programs for students. After all, that is the underlying rationale for the entire process. Stating the purposes in advance and incorporating the CEO evaluation in an overall review of the district governance system will help establish a receptive climate toward the evaluation recommendations.

PRINCIPLES OF GOOD
BOARD/CEO RELATIONS

1. *Select a CEO who can meet the college's needs.*
2. *Select a CEO who is compatible with the trustees.*
3. *Establish appropriate lines of authority.*
4. *Don't undermine your CEO's authority.*
5. *Maintain open and honest communication with the CEO.*
6. *Protect the CEO.*
7. *Base your relationship with the CEO on mutual respect and trust.*
8. *Respect the CEO's right to make administrative decisions.*
9. *Provide the CEO with sufficient authority to manage college personnel and resources.*
10. *Evaluate the CEO periodically.*

Supporting the CEO

The relationship between the board and the CEO should be open, frank, and mutually supportive. Without a shared sense of purpose between the board and the CEO, and without mutual respect and trust, a college will experience difficult times.

The chief executive should be sensitive to the goals and concerns of the board and should act in accordance with its wishes. For the most part, good board/CEO relations result when the CEO keeps the board well informed and respects its responsibility to make policy. Communicating effectively also enables the board to govern effectively. In most instances, recommendations made by the CEO will be acceptable to the board. A board which continually disagrees with its chief executive may find a change in leadership necessary.

Ideally, ideas that make an institution stronger and more effective in carrying out its mission originate from campus professionals. However, a well-informed board can suggest new initiatives, changes, improvements, and innovations.

Once policy decisions are made and the administration has been directed to carry out those policies, the CEO and other employees have the right to expect support from the board. The principles listed in the adjacent box should be adhered to if good relations are to exist between your board and its most important employee, the CEO.

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4.2 CHIEF EXECUTIVE OFFICER EVALUATION

The district chief executive officer (CEO) is the most important single individual connected with the institution. The CEO is the primary agent of the board, leading and administering the institution in accordance with board policies. He or she provides the vision, integrity and leadership that results in a college of distinction.

Selection and evaluation of a chief executive officer are among the most important responsibilities of a board of trustees. In fact, WASC Accreditation Standard 8A.6 reads: *"After appropriate consultation, the board selects and provides regular evaluation of the institution's chief executive officer."*

The following information discusses many of the areas boards may wish to address as they and the chief executive officer design an evaluation process and the criteria. Given the unique nature of the relationship of the governing board and the CEO, the evaluation of the CEO is in many ways an evaluation of the board as well, and the processes developed should take that into account.

During the accreditation process, the self-study committee and the visiting team may address the following questions:

- Is there a policy regarding CEO evaluation?
- What are the policies and procedures?
- How were they developed?
- How are they reviewed?
- How effective is the evaluation?

Purposes of Evaluation

The primary purpose of an evaluation is to bring the CEO and the board together to discuss how their performance and priorities affect the educational program and services to students. The emphasis for the CEO should be on identifying what works well, and what needs improvement. Evaluations should have a positive focus to ensure the success of the CEO and to enhance the "fit" between the board, and the CEO, and the institution.

An evaluation process designed to "get the president" hurts the operations and morale of the entire institution and the image of the college in the community. Evaluations which may lead to a decision to end an unproductive or unworkable situation need to be conducted in a professional manner.

Objectives of an evaluation may be to:

- Give the CEO support through constructive information on past performance, to ensure that the institution is well-managed.
- Provide an opportunity for the board to learn how its performance can contribute to greater effectiveness.
- Assess how well the institution is fulfilling its mission.
- Examine, and re-set, if necessary, goals for the institution and the CEO.

- Develop plans for the future which would implement any needs revealed by the evaluation process.
- Foster communication between the board and CEO.

Process

There is no single best or right way to assess superintendent/chancellor performance. Differences in complexity, style, structure, temperament, and organizational culture will lead to different methods and procedures. Whatever evaluation process is used, it should be developed jointly by the CEO and the board and mutually agreed to. As the process is implemented, all parties involved should continually evaluate the process to ensure that it is working to achieve the objectives of the evaluation.

As the process is developed, the following issues may be considered:

- Should the process be formal or informal?
- When should the CEO be evaluated?
- What criteria should be used?
- What types, if any, of instruments should be used?
- Who should conduct or participate in the evaluation?
- How should the results be communicated?

Each of these is discussed in the following sections.

Formal and Informal Processes. Much has been written on the benefits and drawbacks of both formal and informal processes of evaluation. Formal processes generally are very structured, require in-depth preparation and planning, may involve staff and groups other than the board to provide a broad base for the evaluation, and may result in a public final report. Informal processes generally involve just the board and CEO, with the results primarily for themselves, and the structure is more flexible. With the latter approach, confidentiality is easier to maintain and it is easier to avoid politicizing the evaluation, but some objectivity and breadth of information is lost.

Calendar/Timing. Ongoing evaluation occurs naturally as the CEO and board discuss issues and come to mutual decisions on policy and directions for the college. However, a session devoted solely to evaluation allows the board and CEO to pause to assess the past and plan for the future. Evaluations of this nature likely would occur annually. Districts with new CEOs or with a significant number of new board members may wish to schedule evaluation sessions more often during the first year or two to ensure ongoing and productive communication.

Evaluation Criteria/Topics. The criteria by which the CEO will be evaluated are best identified when the process is being developed or when the CEO is hired, well before the actual evaluation takes place. Flexibility may be built in to accommodate changes affecting the institution over the period being evaluated.

Should trustees expect 100 percent achievement of all goals? If that expectation is present, the goals and criteria developed may likely end up being safe and easily obtainable. CEO's of progressive, dynamic institutions often have risk-taking goals that may indeed exceed the grasp of the institution.

The evaluation criteria may be, or may be derived from, the following documents:

- Selection criteria (for recent hires).
- Job description or the role and responsibilities of the CEO. This should be reviewed periodically by the board with the CEO in order to maintain currency.

- Institutional mission, goals, and plans, including those in accreditation reports and those which result from strategic planning sessions.
- CEO goals and objectives, if those have been incorporated into the planning and/or evaluation processes, and
- Other documents related to the institution, such as the audit and financial reports, annual reports, etc.

Generally, certain criteria are standard in most CEO evaluations such as "financial resources are managed prudently and effectively," and "the CEO keeps the board informed of important issues." Others may relate to specific needs of the district, particularly in regard to relationships with the community, managing growth, building facilities, fund raising, and other issues which change from district-to-district and year-to-year.

Evaluation Instruments. There may be as many different types of evaluation forms as there are boards and CEOs, each reflecting the unique characteristics of the players involved. Surveys, checklists, or forms are best used as catalysts for thought. Who completes the survey or checklist and how the results are compiled would be decided by the CEO and the board.

Who should be involved? Standard 8A.6 of the WASC Accreditation Standards, includes the phrase "after appropriate consultation" recognizing the importance of college and community input into the selection and evaluation of the leader of the institution. However, it is the final responsibility of the board to make decisions and to conduct evaluations.

The entire board should be involved in the evaluation of the chief executive officer, and the CEO should certainly provide the board with his or her assessment of performance.

Board members should use care when trying to obtain and assess the perceptions of staff, faculty, and the community on the job being done by the CEO. CEOs may invite comments from their cabinet and campus leadership, which they could incorporate into the self-evaluation information they provide to the board. More formal processes which gather feedback from college staff or community members should be carefully designed to avoid "garbage dumping" or overpoliticizing of the evaluation. While boards often receive comments on the performance of the CEO, it is difficult to assess the validity or reliability of spontaneous feedback. Board members generally ignore anonymous feedback.

One of the most difficult tasks for boards is to assess and evaluate problems with the CEO's leadership as perceived by the campus and/or community. Boards will want to address chronic and severe problems which harm the effectiveness of the institution in a manner which maintains support for the position of the presidency.

Outside consultants and facilitators can particularly be useful in developing a new evaluation process, conducting planning sessions that may result in criteria for evaluation, and working with boards and CEOs when there are problems.

Evaluation Session. The closed session discussions that take place between the trustees and the CEO are generally the most valuable part of the evaluation process. The results of self-evaluations and checklists may be used as starting places for the evaluation discussion rather than the final evaluation document.

Possible questions the trustees may use in the evaluation session are:

- Give your assessment of how things are going—good and bad.
- Describe the institution's most significant achievement for the year.
- Describe the difficulties encountered in achieving some objectives.
- What aspects of the presidency are most interesting and rewarding?
- What aspects are most frustrating and least interesting?
- Describe how you contribute to the educational mission of the college.

It is important that the confidentiality of the results be respected. Written results should be kept in a secure place.

Common Pitfalls

The importance of maintaining confidentiality cannot be overemphasized. Rumors and prematurely released results can divide a campus, exacerbate problem issues, reflect poorly on the board and institution in the community, and can be unfair to the chief executive officer.

It is tempting to spend more time on things which need fixing in a session, rather than focusing on what went well. Consider the motivating power of commendation and the debilitating power of too much criticism.

Focusing on a single issue does not provide a well-balanced assessment. Trustees may wish to avoid too much emphasis on a current "hot topic" in an annual evaluation session. Allowing personalities and personal agendas to play an important role in evaluation diverts the focus from the achievement of goals and evaluating performance on agreed-upon criteria.

Evaluations should not be scheduled during times of crisis on campus, as the CEO's and board's energies will be focused on the crisis and the crisis can dominate and skew the evaluation.

Rollover provisions or contract extensions may be perceived by the CEO and public as a vote of confidence and a result of satisfactory performance by the CEO. Boards may consider these perceptions when scheduling the evaluation, particularly when retention and/or termination are not the major objectives of the evaluation.

Boards may wish to avoid tying compensation issues directly to the evaluation. There are many other factors which determine compensation levels and the board may wish to discuss and determine salary and other issues at a different session from the evaluation.

Resources

Sample evaluation processes and evaluation instruments are available by contacting the Community College League of California, 916/444-8641.

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4.3 CONDUCTING A SUCCESSFUL CEO SEARCH

Most experts on boardsmanship believe a college board's most important responsibility is the selection and appointment of the district's chief executive officer. The CEO occupies the central role in a community college district. As the agent of the board and the embodiment of its authority, she or he is the most powerful and influential individual in the campus community, as well as the representative in the general community of the district's values and mission.

Because the outcome of the selection process is so important, the process must never be taken lightly or conducted in haste. A process that involves the appropriate constituencies of the institution, clarifies goals, objectives and priorities, enables the board to select a person it can support fully, and establishes a foundation for the potential effectiveness of the new leader.

This responsibility for the success of a search lies squarely on the shoulders of a district board.

The search process suggested on the following pages may not fit your district's precise needs. We urge that boards use the material, ideas and suggestions in a manner that best suits your district. Some boards prefer to be heavily involved, while others turn it all over to a search committee and/or consultant, and make only the final decision.

Step 1 Beginning the Process

The most common mistake boards make during a CEO search comes at the beginning by acting too hastily and not giving adequate thought to the organizational stage of a search. Major errors are failing to thoroughly explore the type of leadership needed by the district and failing to clearly communicate to the campus community the process, the timetable, and the roles and responsibilities of those involved in the process.

The search process devised by the board should strive to achieve four basic goals: 1) maintain board control of the process but include broad and meaningful representation from concerned constituencies; 2) specify the timeline for the process; 3) outline affirmative action efforts and fair treatment of all candidates; 4) notify all constituencies about the process to be used, and the responsibilities and authority of the board and search committee, and 5) by the board's actions in the process, ensures the newly appointed chief executive begins with a strong base of support.

The timeline for the process should allow for sufficient time to recruit good candidates, interview those candidates, and conduct reference checks. However, time is of the essence after people are invited for interviews. Decisions must be made quickly to protect the candidates and the district's interests. Lengthy intervals between interviews and decisions may result in the withdrawal of excellent candidates.

Step 2 The Consultant

Faced with the complex and highly structured process a board undertakes when it seeks a new chief executive, a board may hire a consultant to assist with part or all of the search.

Tasks districts often assign consultants are:

1. Help design the search process.
2. Assist in appraisal of district leadership needs.

3. Draft the candidate qualification criteria and design the announcement brochure and publicity releases.
4. Advise the board on the constituencies to be involved in the search.
5. Help the search committee recruit experienced and talented candidates.
6. Receive and screen applications.
7. Monitor affirmative action guidelines.
8. Check references of candidates.
9. Advise the search committee and board on the qualifications of finalists.
10. Assist the search committee and board with interviews.
11. Assist the board in the final selection process, and
12. Assist in the preparation of the contract for the successful candidate.

A board will find particular comfort working with a consultant who has conducted searches at other colleges. A district with a troubled image may find it difficult to recruit outstanding candidates without the help of a respected consultant with national and statewide contacts. A well-connected consultant can often provide important information to decision-makers on the strengths and weaknesses of candidates not normally found on an application or uncovered in an interview.

In deciding which consultant to employ, boards sometimes bring consultants before the board for a presentation on how they would handle the search. Ideally, a board will have met in advance to develop a list of questions that will enable trustees to assess the experience, services and operating methods of the firms.

Whenever possible, the decision to employ a consultant should be made at the very onset of the search. This enables the board to use the consultant in developing the search process and to assist in hiring an acting chief executive.

Consultant fees generally range from $10,000 to $25,000. Some consultants charge a fixed price, where others have a sliding scale depending on the financial resources of the institution. The cost of the search is an investment in the success of the college.

Step 3 Appointing an Interim CEO

Under the best of circumstances, chief executives announce their retirement or plans to leave for a new position well in advance of their actual departure date, thereby giving boards the six to twelve-month lead time required to perform a careful search. Unfortunately, only a third of all presidential vacancies occur under such circumstances. The other two-thirds happen suddenly, creating a time gap between the incumbent's departure and the new CEO's starting date.

In these cases, boards must appoint an interim president. Having a trusted CEO in place allows the board to concentrate on the search for a "permanent" leader. Although interim CEO appointments may be made relatively quickly, it does not mean that the appointment should be made without careful thought. Serious pitfalls can be avoided by considering some basic questions.

Should the board require the candidates for the interim position to disavow interest in the "permanent" position? Should the interim CEO be hired from within or from outside the institution? What skills should the interim chief executive possess and what role will he or she play?

Most observers of the process believe it wise not to appoint as interim CEO a person who could possible be a candidate for the "permanent" position. By doing so the board may subject itself to criticism that the search and selection process for the new CEO was never truly "open" and "fair"

While a few boards do use the appointment of the interim CEO to "try out" a promising candidate, most appoint either a senior administrator with no interest in the top job or a retired CEO with a successful track record. There are a number of firms which assist districts in hiring interim administrators.

Step 4 Evaluating District Needs

As one of the first stages of the executive search, governing boards must conduct an institution review in order to answer the most important question they face — what kind of CEO do we need? Many districts make the mistake of defining the qualifications for the chief executive without explicitly considering the needs of the institution and its future direction. The result can be a mismatch of talents, skills, experiences and commitments to the needs of the institution.

An institution review does not need to be time consuming nor elaborate. What is important is that trustees discuss the past, present and future among themselves and with campus and community leaders. Each trustee's assumptions and expectations should be clearly defined, and potential "mixed messages" from the board clarified.

After such an evaluation is completed, the board is better able to establish the duties and responsibilities of the new CEO, and the personal qualities, professional qualifications, and special competencies it wishes its new chief executive to possess.

The following is a list of questions boards might consider when conducting an institutional review:

1. Why does the vacancy exist?
2. What are the strengths and weaknesses of the institution's academic and student services programs? Is a change in direction either wanted or needed to improve programs for students?
3. What are the college's enrollment prospects for the future? Should steps be taken to improve recruitment and retention efforts?
4. What are the strengths and weaknesses of the institution's fiscal condition? Are changes either wanted or needed? Does the new CEO need to be involved in resource development?
5. Is the current college environment conducive to faculty, administration and staff productivity and shared decision making?
6. How adequate are facilities? What alternatives are available to meet the needs of the institution in the future?
7. Does the college have the whole-hearted support of the community or does the college's image need refurbishing?
8. How well has the present governance and management structure operated? Has the board provided clear, consistent and forward thinking leadership? If not, why not? How can the board better serve the institution in the future?
9. What kind of relationship does the board wish to have with the CEO?
10. What did the board like about the previous CEO? What didn't the board like? What were the previous CEO's strengths and weaknesses?

Step 5 Setting the New CEO's Duties and Responsibilities

From the above information, the board should draft a description of what the new chief executive's duties and responsibilities shall be. Even though boards inevitably seek the ideal chief executive, he or she does not exist. Therefore, trustees should avoid publishing an all-encompassing list of qualities but, instead, focus on those important to the task ahead. For example, a board may wish to continue the practice of the previous CEO of active involvement in fiscal and personnel matters. At the same time, the board may wish the district to strike out in a new direction and seek community capital support for a new on-campus facility.

Trustees should also give consideration to the personal qualities sought in the new CEO. This list should reflect the board's best thinking on the skills it believes will be necessary to provide the institutional leadership needed as defined by the review. Some of these might include: capacity for and an enjoyment of a heavy work-load; facility in conflict resolution; ability to facilitate communications among various college constituencies; ability to make and carry out decisions; ability to delegate responsibility; ability to interpret the college's mission to the public and ability to promote professional growth of faculty and staff.

A final decision to be made before the board begins the search is salary range and other contract elements. If the board reaches agreement ahead of time on salary, contract length, fringe benefits, and moving allowance, the negotiations with the successful candidate can be conducted with clear understandings on both sides.

Step 6 The Search Committee

Now the board is ready to initiate the actual search for a new chief executive. Many districts turn these next few steps in the search process over to a consultant, others to a search committee, some to a consultant working in tandem with a board-appointed committee and some do it themselves.

Whatever process is used, the board must recognize that even their marvelous institution has to actively go looking for candidates. The board should make clear to the search committee its desire that the best candidates be sought out and recruited to apply. Search committees should not be allowed to be simply selection committees.

The committee should also be educated about the duties and responsibilities, the professional qualifications, personal qualities, and the compensation package for the new CEO. If search committees proceed without proper direction or clear understandings, they may recruit and select the wrong finalists.

The average community college search committee is composed of 10-14 people. It may include faculty, administrative staff, board members, classified staff, students and representatives from the community. A balance of men and women as well as ethnic groups is desired. Recommendations for representatives from different groups, such as the Academic Senate, should come from the groups themselves. The board makes all appointments to the committee.

The role, responsibilities and authority of the search committee and consultant (if any) should be clearly outlined by the board chairperson at the first meeting of the committee. The four primary functions include:

1. Developing a job description and job announcement based on the duties and responsibilities of the CEO as developed by the board.
2. Recruiting a large pool of qualified and talented candidates.
3. Narrowing the field of candidates to eight to twelve semi-finalists, and
4. Interviewing semi-finalists and recommending to the board three to eight finalists. The board should make clear to the committee, however, that it retains the right to interview one or more semi-finalists whose names may not have been forwarded to the board.

At the first meeting, the committee should also select a chairperson, establish a timetable, and develop a budget. The board of trustees should approve the job description, announcement, timetable and budget.

Since the emphasis should be placed upon securing the right person for the job, the board should be willing to make whatever expenditures are considered reasonable and necessary. Some of the expenditures to be covered include candidates interview expenses, campus visits to candidates' home base, and advertising costs.

Step 7 The Job Description

The job description serves as the search committee's statement on the qualifications and talents candidates should possess and the district expectations. Since it will be the primary resource in recruitment activities, screening candidates and candidate interviews, the search committee should take care to ensure the job description effectively communicates these qualifications and expectations.

A job description may contain the following sections:

Introduction. The position and its primary functions such as executive to board, educational administrative leader, financial director, public relations, chief representative of the college at community, state and national levels, etc.

Duties and Responsibilities. May include planning, policy formulation, community involvement, fund raising, etc. and may include specific information when possible. For example, a major planning effort may be needed in order to develop partnerships with business and industry.

Authority and Limitations. A statement describing the chief executive officer's relationship with the board of trustees and her or his authority within the district.

Professional Qualifications. Is a doctorate required or desired? How much, if any, administrative and teaching experience is sought? Is a liberal arts background preferable to vocational education or visa versa? Must the candidates have professional experience in a community college? Is a candidate required to have experience in budgeting, curriculum development or collective bargaining?

Personal Qualities. Based on the evaluation of the institution conducted by the board, the search committee should list some of the competencies expected of the next CEO. These might include skill in working democratically with staff, skill in public relations, proven record of community involvement, etc.

Step 8 Recruiting Candidates

The quest for an outstanding chief executive should begin with identifying a pool of outstanding candidates. There are several approaches to creating such a talent pool.

National and state advertising. The search committee should develop a position announcement to be placed in newspapers and magazines it believes will reach the type of candidates the institution wants to apply.

Brochure. A simple, attractive brochure supplies the pertinent information candidates need to determine whether they are both qualified and interested. The brochure should be mailed to selected university placement offices, other community colleges, and individuals whom committee members believe particularly capable.

Personal solicitations. While newspaper advertising and general distribution of a brochure will attract many candidates, a committee should operate under the assumption that the best candidates are functioning successfully in their present positions and may need to be encouraged to apply for the position.

Nominations should be sought from knowledgeable persons who understand the institution and its needs. Committee members should identify institutions similar to theirs and encourage successful administrators at those institutions to apply. Chief executives known to have good personnel development practices should be contacted for names of employees or former employees who might apply. Finally, strong prospects who initially decline invitations to apply should not be discarded but vigorously pursued.

Confidentiality is crucial throughout the search process. This is particularly true in making direct contact with administrators at other districts. Therefore:

- Allow only the search committee chair and his or her staff to receive and respond to inquiries and applications. Individual board members and search committee members should never ask candidates to send application directly to their home or office.
- After the search committee has conducted the initial paper screening of applicants and those nominated, and eliminated individuals who are not considered to be qualified, those left should be contacted and asked to decide on their willingness to continue in the process. Maintaining secrecy beyond this point is virtually impossible.

- No member of the screening committee should seek information on a candidate from a peer on the candidate's home campus unless so directed by the search committee. One of the most common breaches of confidentiality occurs when faculty members call their counterparts at the home base of the candidate, thus invariably alerting the candidate's campus.

Step 9 Narrowing the Field of Candidates

First paper screening. Divide the candidate's folders among teams of committee members. The task is to "weed out" those candidates who do not meet the minimum qualifications listed on the position announcement.

Second paper screening. The entire committee should now review the remaining applications, reference letters, and resumes. Using a rating scale and the list of criteria in the job announcement, the committee should narrow the list of candidates further to those who, at least on paper, have the experience and skills necessary to succeed in the job.

As the pool is narrowed to the semi-finalists, ask if there is a sufficient number of candidates in the pool. If a majority of the committee does not believe there is a sufficient number, the committee should recommend the board reopen the search.

If it is ready to proceed, the committee should vote on the remaining candidates. The top eight to twelve should be chosen as semi-finalists and invited to be interviewed.

Those not selected should always be treated with civility and courtesy, reflecting the quality of the institution.

Reference checks. Letters from individuals selected by the candidates are not sufficient reference. It is important to make telephone calls, often done after the interviews. Conversations on the telephone can be much more revealing as people say more than they write, and can respond to specific questions.

To avoid problems and to maximize the value of telephone references, the committee should assign two members to make calls for each of the candidates being considered. The callers should ask the same basic questions. They may include: Would you verify the candidate's background, experience and accomplishments? Please identify any additional positive or negative factors affecting the individual's qualifications for the position. What is your opinion of the candidate's suitability for the position? Does she delegate authority well? Is he able to function under stress?

Committee members may also wish to contact colleagues not listed on the candidate's reference list but who have worked with the candidate. This should always be done with the knowledge and approval of the search committee.

Each committee member must accept information about the candidates in strict confidence. Only fellow committee members and the board of trustees should be briefed on the information communicated by the references.

Step 10 Interviewing the Semifinalists

The actual interview should always provide the opportunity for a two-way exchange of information — interviewers gain insight into the candidate and the candidate learns about the institution, position and campus expectations. Committee members should come to the interviews briefed on each of the candidates.

The questions asked of the candidates are the key to the interview. Many chief executives have described the predictability of the questions they are asked both by the search committees and, later, by the board. Therefore, the committee should develop a list of questions that allow candidates to apply some creative thinking to some general areas of education and management philosophy. Sample questions include (not necessarily in this order):

1. Describe a mistake you have made in the past and what you learned from that episode?
2. How do you assure yourself of faculty quality?

3. How would you like your tenure as our chief executive described four years from now?
4. How do you ensure the focus on students and their needs is not forgotten?
5. What sort of campus and off-campus activities have provided your greatest source of satisfaction?
6. What is more important: for the college to enhance the individual student or serve the broader needs of society?
7. What role does the chief executive play in the governance of the college district? Relate that role to the role of students, classified staff, faculty, administrators and the board of trustees.
8. How do you define "leadership"? Is it giving orders or facilitating decision-making?
9. Who determines the objectives of the college and how they are evaluated?
10. How can the college best meet the needs of the local community while at the same time being accountable to state interests?

The committee should ask each candidate the same questions. Each committee member should take notes that allow later comparisons of candidates. (Warning: If, before the interviews, a committee member has concerns that one of the questions they with to ask is "too personal" or somehow inappropriate, do not hesitate to consult legal counsel.)

Selection of the finalists should take place as soon as possible after the interviews and frank discussion among committee members of the candidates. Every effort should be made to reach a consensus among committee members on which of the candidates would have the best chance of success if appointed CEO.

Step 11 The Final Selection

At this point, the board of trustees once again takes charge of the selection process.

The board should meet with the chair of the search committee to hear a detailed presentation on the search process, including descriptions of candidates who were considered but rejected as semifinalists, those who were invited to be interviewed, and the list of recommended finalists.

This report is valuable for a number of reasons. The search committee, as leaders of the campus and community, completes its work with the sense that its effort was appreciated and its recommendations carefully considered. Trustees learn from the search effort the types of educational leaders interested in working for their district. And finally, the board needs information on all semifinalists since it retains the authority to interview one or more semifinalists whose names may not have been forwarded by the committee.

(The board, however, should take caution in considering for finalist interviews candidates originally rejected by the search committee as unqualified to be semifinalists. Such a step, while not uncommon, risks alienating members of the committee with whom the board and new CEO must work.)

After having received the report and approved a list of finalists, the board should establish a schedule to conduct reference checks, campus visits, and final interviews. All trustees should be thoroughly briefed on all aspects of the candidates' professional and community lives before the campus visits and interviews are undertaken. A list of questions for each activity should be developed so that all candidates respond to the same basic issues.

Reference checks. Individual trustees, with the knowledge of their fellow board members, contact trustees with whom the finalists currently and previously worked.

Site visits. A visit to the candidate's current worksite may very well reveal personality traits, strengths or weaknesses, reputation and relationships which will be invaluable to the board in making its final decision.

If site visits are done *after* interviews, the visiting team should avoid looking only for evidence confirming impressions made during the interview.

Final interviews. The final interview should be carefully planned and, like the search committee's interviews, focus on personality, poise and intellect — qualities that are amenable to interview evaluation.

Prior to the interviews, candidates should have access to minutes of board meetings and faculty meetings, personnel policies, student newspapers, financial reports, accreditation reports, and any additional information.

Trustees should be thoroughly prepared for the interviews, having reviewed all application materials, background information, and reference reports. They may wish to keep their own notes on each of the candidates.

Interviews should be limited to one or two a day and be conducted in an informal atmosphere. While the board should work from a list of questions to ensure that all areas of concern are covered, trustees and candidates should be encouraged to ask questions about areas of individual concern.

Votes on the candidates should not be taken until all board members believe there has been ample opportunity for full expression of their opinions. Board members should know — well beforehand — when the vote will be taken. One approach is to eliminate quickly those candidates with no support among trustees and concentrate discussion on those remaining.

It is best, of course, if trustees can come to a unanimous decision. The position of chief executive is difficult at best and the successful candidate will need the full support of the board in the years ahead. Trustees should keep in mind that the ultimate goal is not for the board to select "my candidate" but to hire the best candidate for the entire institution.

If a board has one or more people in firm opposition to a majority choice, it may have to proceed without consensus. However, every effort should be made to make a job offer only after all board members have agreed to pledge the new CEO their support.

To avoid possible embarrassment and wasted time, it is suggested that once the board has made its choice, the chair should ask the successful candidate, if he or she is invited to be chief executive, would they accept, assuming agreement on a contract.

If the answer is "no", the board must reconsider the list of finalists. If "yes", the board has two options. First, to immediately agree on a starting date, draw up a contract and sign it. Or, second, schedule a final meeting with the candidate in two or three days to give the candidate and board time to reflect on any expressed concerns or questions before a contract is signed.

Step 12 After the Selection

After the CEO is selected, there are four very important steps that still must be taken:

- Notify the remaining finalists immediately by phone and then in writing by the board chair. Be gracious — you never know when you might want them to apply again.
- Announce the selection and introduce the CEO. News conferences and releases, receptions, and inaugurations are all important events and rituals. Each board member should seize every opportunity possible to introduce and welcome her or him to the community.
- Appropriate staff should be instructed to destroy all materials no longer needed and return all confidential papers to the candidates. Candidates should receive an expression of gratitude for their interest.
- Plan and initiate an evaluation process for the new CEO. Early on, hold informal sessions with the new CEO to reach common understandings on how trustee and board questions and concerns should be handled.

Again, recruiting, selecting, hiring, and evaluating the CEO, are the most important responsibilities of any board of trustees. We encourage you to take it very seriously.

5.1 SHARED GOVERNANCE REGULATIONS

Shared governance, the concept of involving those that are affected by decisions in the decision-making process, is mandated by AB1725. The Board of Governors adopted regulations that implement the legislation, and which are contained in sections 53200 - 53204 Title V of the Administrative Code of California. Shared governance does not necessarily imply total agreement, nor is the same level of involvement by all parties necessary. The ultimate responsibility for decisions rests with the board of trustees.

Faculty Involvement

The regulations state that faculty, staff, and students have the "right to participate effectively in governance." However, the regulations which reference faculty add to and clarify their rights. The regulations acknowledge the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards. Local boards shall consult collegially with academic senates on academic and professional matters.

"Consult collegially" means that the governing board, when developing or adopting policies related to academic and professional matters must either:

1) rely primarily upon the advice and judgement of the academic senate; or
2) reach mutual agreement with the senate.

"Academic and professional matters" is further defined in the regulations to include: curriculum, degree requirements, grading policies, student progress standards, faculty role in governance structures, accreditation, professional development, program review processes, and processes for planning and budgeting.

The statewide Academic Senate and the Community College League of California jointly prepared a set of guidelines (questions and answers) to assist local boards and senates implement shared governance. Those guidelines are included in the *Trustee Handbook* as section 5.2.

Staff

The regulations for staff involvement state that staff members should be provided an opportunity to participate in the development of policies, procedures and processes that have a significant effect on them. The regulations do not outline those policy areas -- that determination is left to the local district. The regulations do state that staff recommendations be given every reasonable consideration when the board is considering related policies, procedures and processes.

Students

The regulations for student involvement state that students should be provided an opportunity to participate in the development of policies, procedures and processes that have a significant effect on them. The regulations state that student recommendations be given every reasonable consideration when considering related policies.

The regulations list the areas which are considered to have a significant effect on students. Those areas include: grading, student codes of conduct, academic discipline, the curriculum, educational programs, processes for budgeting and planning, student standards, student services planning and development, fees, and faculty evaluation and hiring.

Benefits and Challenges

The value of shared governance is found in its inclusive nature. Colleges which have a significant level of employee participation in the decision-making process cite a number of benefits. When shared governance processes are used, there is a greater understanding and acceptance of decisions, a greater commitment to their implementation, and an understanding of and commitment to the goals and objectives of the organization. Shared decision-making promotes trustee, cooperation, a team identity, and coordination of efforts. Healthy shared governance practices involve awareness of conflict and the ability to used conflict resolution techniques. The decisions which are made include many expert contributions and points of view.

Shared governance also has its challenges. Those involved in the decisions must do their "homework," and often need professional development in order to gain the skills and knowledge needed to be involved in governance decisions. It requires time away from the other duties of the job. Decisions take longer, and the processes for gathering comments and making recommendations must take into account longer decision-making cycles.

Shared decisions lead to shared accountability. While many may feel some responsibility for the decision, the assignment of ultimate responsibility and accountability is sometimes blurred. There are differing expectations and understandings of the shared governance processes, and often disagreements about the processes become a substitute for addressing educational issues. The lack of clear authority and discussions over processes and power can be frustrating.

Summary

Shared governance reflects a broad-based movement in organizations to involve people at all levels in making decisions. It reflects a movement from autocratic, hierarchical structures to those in which decisions, responsibility, and accountability are shared at all levels of the organizations. In order for it to be successful, people must have access to and use the information necessary to make good decisions. Conflict resolution, teamwork, and other communication and collaboration skills must be taught through professional development systems. Shared governance is empowering and inclusive, but to be used well and wisely, people must enter into it with an attitude of respect for others and a sincere desire to use their power to make decisions for the benefit of the entire organization.

References

California Education Code, Sections 53200-53204 and Sections 51023.5 and 51023.7

Nussbaum, Thomas J., *Evolving Community College Shared Governance to Better Serve the Public Interest*, California Community Colleges, Sacramento, 1995.

5.2 SHARED GOVERNANCE and ACADEMIC SENATES

AB1725 asked the Board of Governors to develop regulations for shared governance. Shared governance is a potentially powerful framework to involve all segments of the college in decision-making, and shared responsibility and accountability. In April of 1992, the following document was developed jointly by the Community College League of California and the Academic Senate for California Community Colleges to help districts implement the regulations.

1. QUESTION: What needs to be done to implement the new regulations to strengthen local academic senates?

The senate and the local board or its designee (usually the chancellor, or president and senior administration) need to "consult collegially" on the development of a new district policy for board action to implement the new regulations. This policy can be very general (i.e. a statement that the district will operate according to the provisions of Title 5, Sections 53200-53204) or more specific in terms of how the district carries out the regulations. Different boards and districts may include different amounts of procedural detail in district policies. (However, see recommendations in the third and fourth answers.)

2. QUESTION: In adopting new policies on academic and professional matters, does the governing board have to meet directly with the senate?

No. The governing board and the senate may each designate appropriate representatives as their voices in the mutual development of policies on academic and professional matters, on a blanket basis or on a policy-by-policy basis. It is the responsibility of the designees to communicate with their respective constituencies on an ongoing basis so as to best represent them in the development of policies.

3. QUESTION: The regulations list ten areas defined as "academic and professional matters." The local board must adopt procedures identifying how it will "consult collegially" in these ten areas. Those procedures include either to "rely primarily upon the advice and judgment of the academic senate" or to "reach mutual agreement". Must a local board select only one procedure for addressing all ten of the identified academic and professional matters or can there be a different approach used for the different matters?

Either one of the procedures can be used to address each of the ten areas defined as academic and professional matters; the procedure need not be the same for all ten. It is recommended, although not required, that the specific procedure selected be identified in policy for each of the ten "academic and professional matters."

4. QUESTION: Who decides which of the two processes in the regulations ("rely primarily" or "mutual agreement") should be used on a given issue?

The local governing board. However, it is recommended that the ten categories of academic and professional matters listed in the regulations be the subject of local discussions during the initial implementation of the regulations so that all concerned will know in advance which issues will be dealt with according to which process. These may then be included in adopted policy.

5. QUESTION: If the governing board chooses the option to "rely primarily" on the advice of the academic senate in any of the ten defined areas of "academic and professional matters", is the board required to accept the recommendation of the senate?

No. Title 5 regulations clearly state that in most cases under the "rely primarily" option the recommendation of the academic senate will be adopted. However, there are conditions under which the local board may need to make a decision different from the senate's recommendation. (See next Question and Answer)

6. QUESTION: A district governing board which chooses the "rely primarily" procedure is normally supposed to accept recommendations of the senate in any of the ten defined areas of "academic and professional matters" unless there are "exceptional circumstances" and "compelling reasons." What do these mean?

The regulations do not define the terms "exceptional circumstances" and "compelling reasons", and these terms are not intended to have a legal definition. These terms mean that boards must usually accept senate recommendations, and that in instances where a recommendation is not accepted the board's decision must be based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context.

Boards tempted to reject a recommendation might, instead, ask the senate to reconsider the recommendation in light of the issues that have not been resolved to the board's satisfaction.

7. QUESTION: A district governing board which chooses the "mutual agreement" procedure is supposed to reach written agreement with the senate in any of the ten defined areas of "academic and professional" matters. When may the board act if it is not able to reach mutual agreement with the academic senate?

If there is no existing policy, the regulations say the board may act without reaching mutual agreement if there are "compelling legal, fiscal, or organizational reasons" why it must do so. Again, the word "compelling" is not defined in the regulations and is not intended to have a legal definition. It means that in instances where mutual agreement with the senate is not reached, a board decision must be based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate and relevant context.

8. QUESTION: When there is an existing policy, is the board permitted to act without mutual agreement.

No. If there is an existing policy, that policy simply stays in effect until mutual agreement is reached. However, there may be cases when the existing policy "exposes the district to legal liability or causes substantial fiscal hardship." In these circumstances, a board may act without reaching mutual agreement provided that it has made a good faith effort to reach agreement and has "compelling legal, fiscal, or organizational reasons" to act (as the term "compelling" is described in question 7 above) without waiting any longer for agreement.

9. QUESTION: The "mutual agreement" procedure appears to contain de facto ability to block changes in policy when an existing policy is in place by failing to agree to needed action. What would happen if this occurs?

It would be bad faith to use the regulations in order to block changes in policy when an existing policy is in place by failing to agree to needed action. A senate faced with a board which refuses or fails to participate or consult constructively in the attempt to reach mutual agreement may choose to use the complaint process delineated in question 18. On the other hand, if the senate attempts to use the regulations process to block board action by refusing or failing to participate or consult constructively, it is unlikely that either the Chancellor or a court would object to a board which takes action without mutual agreement under those circumstances.

10. QUESTION: Can the local board choose the academic senate to be the organization that represents faculty in matters that have previously been collectively bargained or are within the legal scope of bargaining? Can the local board accept recommendations from the academic senate or reach agreements with the academic senate which contradict a collective bargaining agreement?

The answer to both questions is no. The governing board may not legally delegate to the senate any responsibilities or functions which belong to the exclusive representative. AB 1725 did not change collective bargaining law (i.e. EERA, Government Code Section 3540 et sec.) nor the legal scope of bargaining. The regulations specifically point out that nothing in the Board of Governors' regulations may be construed to "detract from any negotiated agreements between collective bargaining and district governing boards."

11. QUESTION: Can a board and union through a collective bargaining agreement change a policy previously adopted by a board based upon recommendation of the academic senate or mutually agreed to with the academic senate?

Yes. Matters appropriately within the scope of collective bargaining may be negotiated between collective bargaining representatives and district governing boards regardless of previous policies.

12. QUESTION: May the collective bargaining agent delegate matters within the scope of bargaining to the local senate and may the senate delegate matters within the scope of the ten defined areas of "academic and professional matters" to the collective bargaining agent?

Yes, to the extent permitted by collective bargaining laws. The regulations state that the intent is to "respect agreements between academic senates, and collective bargaining representatives..."

13. QUESTION: Must the district consult collegially on the administrative organization chart of the college?

No. How the administration is organized may be a matter for shared governance but is outside the scope of the district's responsibility to "consult collegially" with the senate.

14. QUESTION: Another one of the ten areas of "academic and professional matters" is "processes for institutional planning and budget development." Does this regulation relate to the institutional plans and budgets themselves, or only to the process by which plans and budgets are developed for presentation to the board?

The regulation relates only to the process. The academic senate's role is in helping to shape the processes used for developing the plans and budgets to be acted upon by the governing board. The board is not required to either "rely primarily" on the senate's recommendations or reach agreement with the senate on the plans and budgets themselves.

15. QUESTION: If a local board violates the regulations, will the state Chancellor's Office intervene and/or investigate the case for possible noncompliance?

Probably not. While the Chancellor's Office will probably not become involved in a single issue within a college district, if a district board develops a pattern of violating the regulations, the Chancellor's Office has the authority to enforce compliance.

16. QUESTION: Do these regulations have the force of law?

Yes. If a district board does not make a good faith effort and does not ultimately abide by these regulations it would be in violation of law.

17. QUESTION: What powers do the Board of Governors have to enforce Title 5 regulations such as the ones on strengthening local senates?

Education Code Section 70901 mandates that the Board of Governors establish minimum conditions entitling districts to receive state aid. Currently there are some 15 minimum conditions that districts must meet in order to receive state funds. The Board of Governors can withhold funding from any district that does not meet established minimum qualifications. One of these minimum conditions is adoption of procedures consistent with sections 53200-53204 of the Administrative Code. Thus one of the minimum conditions that districts must substantially meet in order to receive state aid is to strengthen local academic senates as per the new regulations.

18. QUESTION: If a local senate feels that it has exhausted all sincere internal efforts to work cooperatively with the local governing board and believes the new regulations continue to be ignored, what remedies can be sought?

First, the statewide Academic Senate should be contacted for useful advice and direct support. Also, the Senate can make some initial contact with the Chancellor's Office to seek informal resolution if possible. The Academic Senate has established a Standards and Practices Committee that will become increasingly active in documenting, publishing and assisting in the resolution of senate role issues.

Secondly, if the local academic senate believes that there is clear and consistent noncompliance, the local senate may contact the Legal Affairs Office of the Chancellor's Office.

19. QUESTION: Does the term "rely primarily upon the advice and judgment of the academic senate" mean that the governing board should not receive and consider the advice and judgment of others on issues of "academic and professional matters"?

No. Indeed, there are other regulations and laws which address the participation of the public, students, staff and unions in district governance.

20. QUESTION: Should the advice and judgment of the academic senate be accorded greater weight than the advice and judgment of other groups and constituencies in connection with "academic and professional matters"?

Yes. Subject to questions 10, 11, and 12, the intent of the regulations is to ensure that, while all relevant constituencies should have the opportunity to participate, boards must accord the greater weight to academic senates in "academic and professional matters" by "consulting collegially" with the senates, as described in these guidelines.

5.3 SHARED GOVERNANCE: THE REALITY

The following is a transcript of a speech delivered by Judith Valles to Community College Instructional Administrators on March 12, 1992 in Costa Mesa, California. Judith Valles was the President of Golden West College at that time and is currently a member of the board of trustees at San Bernardino Valley College.

Shared Governance. It's here, and it's not going away tomorrow! It's "in," but it's not so bad — on good days. It works, but you must be comfortable with it. It's powerful, but you must know how to make it work towards your vision, if you have one. It can wreak havoc with your ego especially if it's already a bit fragile to begin with. It can convert an optimist to a pessimist overnight, depending on what meetings are scheduled for the day. By that, I mean you wake up in the morning and instead of saying cheerfully, "Good morning, God," you say to yourself, "Good God, it's morning!"

But if you welcome challenges, then you are going to actually enjoy setting it all up. "Setting it up" may conjure up images of plotting and scheming and, of course, there will always be a little of that, but in a very positive way. As a matter of fact, it might even be perceived as refreshing on your campus. It all depends on your personal style, your strength, your conviction, your integrity, and your commitment.

Do you know why it's a major challenge? I will tell you why. It's a challenge because it is a fundamental shift of mind. One of the first steps of the challenge is for us to understand it, define it and continually refine it. I believe the system that determines how decisions are made in a college has so great an impact on the total operation of the college that it must not be allowed to develop and operate in a careless manner. Rather it should be carefully planned, implemented with deliberation, routinely maintained and regularly evaluated. At its simplest level, governance is the process through which decisions are made in an institution.

The leader is key to the success or failure of a "true" shared governance model. The leader must see the things that belong in the present picture but which are not there yet. The key is that this vision must be shared by all members at all levels and by the leaders at all levels and of all groups. Shared governance is a carefully developed set of *values* and *purpose* that guide daily decision. It involves a total *campus ethos* — a sense of spirit of team work — valuing people both as members of the organization and as individuals. Respect for individual differences is a given. We have these in our heads. It is critical that the vision be shared so that it fosters alignment among all and enables all to work as a whole. This does not mean that everyone agrees, but it is critical that the visions are shared and discussed — and *cussed* — openly. Ultimately what we all want is the same — how to get there is the question.

The success of a true shared governance model requires that shared values become the mechanism that provides the road map to achieving the vision by focusing on how we should treat each other.

This may sound "pollyanna-ish" and it probably is to a certain degree, but if the organization's values are understood, agreed upon and internalized by a broad range of the members of the college, rather than by a few, the road to a true shared governance model need not be so rocky. It will not be easy. Authoritarian styles and structures have been an integral part of our institutions. And as Peter Senge from the School of Management at M.I.T. warns: "The journey toward a non-authoritarian organization should not be undertaken lightly." He predicts that it'll be a pilgrimage of a decade or more. So as we move into this final decade, we need to sit back and examine our own internal

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organizations. We need to do an honest self-evaluation and ask ourselves several questions as leaders on our own respective campuses or of our own groups:

1) **How do you define your role on your campus? Do you define it in terms of duties and functions or do you define it in terms of student need and progress?**
2) **What are the behaviors that you value, and how can you best achieve your vision? Do you have a vision?**

The values and behaviors that I have found most important are the following:

- *Mutual trust.* We value each other as persons — sharing perspectives, accommodating differences.
- *Honesty.* We speak and act truthfully, without hidden agendas, admitting when we make mistakes or do not know, keeping commitments, and avoiding silence when it may be misleading.
- *Fairness.* We treat each other justly, applying rules with equity, providing opportunity based on qualifications, giving each other the benefit of the doubt.
- *Considerate, open communications.* We share information, ideas, and feelings, listening carefully, speaking forthrightly, respecting opinions of colleagues.
- *Cooperation.* We work together to achieve common goals, looking beyond self-interest, remaining helpful in difficult situations, encouraging compromise and positive change.
- *Creativity.* We value originality and vision, freeing professionals to try something new, expecting follow through, using ideas that work, allowing people to make mistakes.
- *Responsible risk-taking.* We respond well to challenges, considering carefully, acting although uncertainties remain, moving forward in spite of possible criticism.

Because these commitments and behaviors are of great significance, we should hold them as essential to our task as educators, and then we must hold ourselves accountable to achieve them.

Back to the reality of shared governance. It does have its pluses and minuses. I'll share some of these with you, and I suspect that, as I go through the list, many of you will relate immediately.

Some pluses:

- Greater understanding and acceptance of decisions.
- Group application of pressure on dissenters to accept, or at least outwardly comply with, decisions when the decision arises from a participatory process.
- Promotion of cooperation, mutual understanding, team identity, and coordination.
- Benefits from use of the expertise and analytical skills of individuals throughout the organization (faculty, staff and students).
- Leadership training for staff.

Some minuses:

- It's time consuming. You cannot be in a hurry!
- Potential exclusion of middle managers from decisions made through shared governance committees resulting in managers that are uninformed about matters they will have to implement.
- The removal of faculty from teaching and classified staff from their duties if substantial reassigned time is required.
- It's costly.

- Possible destruction of accountability.
- Some leaders may feel restrained.
- Unrealistic and unmet expectations if the board or the CEO find it necessary to reach a decision contrary to that arrived at through the group process.

A willingness to risk, to change, to try new things and the ability to admit that problems exist can go far toward establishing a positive shared governance environment. The central task should be the creation of a climate where energy is created to move the college forward and not to have turf battles over governance.

Leadership can be hazardous to your health. But you can overcome it if you have a "super duper" health sense of who and what your are and certainly what you want.

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6.1 EDUCATIONAL POLICY

The function of community colleges is to provide educational experiences for members of the community. The goal is to produce learning in those that participate in the community college experience. Learning -- becoming a more educated person -- may occur in many ways. Students learn through traditional classroom instruction, participation in college activities and events, contract training agreements with local businesses, distance learning strategies, library and independent study, as well as many other situations. As guardians of the public's interests, boards are responsible for ensuring that the colleges they govern have educational programs which are effective in producing learning in their students and which serve community needs.

Board Role

Trustee Responsibilities:

- Set educational mission and goals in policy
- Monitor student learning outcomes
- Establish a climate for innovation and creativity
- Ensure that budget priorities support academic priorities
- Encourage and support professional growth of staff
- Ensure academic freedom through the "buffer" role

The policies and performance of the board establish the climate of the institution. Trustees, as a board, are responsible for defining and clarifying educational goals and standards for the institution, and for monitoring how well the college achieves the goals. Through the budget adoption process, boards can assure that the priorities reflected in spending are aligned with the educational priorities of the institution and the needs of the community. Trustees, by example and through policy statements, should also support and encourage comprehensive organizational and professional development programs, thereby promoting a value for ongoing learning and continuing education.

Finally, boards should ensure that the faculty are accorded academic freedom, and that the curriculum is buffered from undue influence by special interest groups. A unique and important contribution of colleges is to provide a forum in which people have the freedom and sanctuary to explore problems and issues. Boards protect the right and responsibilities of colleges to be independent voices in society to create, criticize, and challenge, and advocate new ideas.

Mission and Vision

A primary function of the board of trustees is to create and affirm a widely considered and compelling vision. Visionary trustees, in partnership with the CEO and college leaders, will anticipate what is needed to respond to community needs and environmental trends. Creating a vision involves processes which sharpen priorities, ensure a strategic approach to the future, and anticipate potential problems.

Vision and mission statements state clearly what the board envisions for the future and what the college should contribute to the community. They are developed from explorations of the different values and ideas of board members, college employees, students and community interests. They should clearly articulate the distinctive identity, values, and purposes of the college. They should be functional documents to continually guide deliberations.

Many writers have noted the power of vision, values and mission to motivate people in organizations. Clearly focused statements of mission, goals and values creates a set of beliefs to which all employees can be committed. Colleges are more likely to achieve their goals when the vision and mission are clear and widely shared by college personnel. Peters and Waterman in their search for excellent companies found that high performing organizations have leaders who are able to instill an inspiring vision in their employees. The board has a clear responsibility to affirm that inspiring vision.

The Learning Paradigm

Historically, community college mission statements reflect the paradigm that colleges exist to *provide instruction*. However, recently there has been a great deal of discussion about shifting to a paradigm wherein colleges are viewed as institutions that exist to *produce learning*. As trustees, you may become involved in these discussions, particularly because the shift has profound implications for what the climate and goals of the college will be and how they will be evaluated. Establishing a climate for and evaluating goals which reflect learning are very different than establishing and evaluating goals that measure instruction.

In a learning paradigm, leaders become responsible for creating environments which foster student discovery and construction of knowledge. Those environments may include traditional classrooms, but they are more likely to foster creative alternatives to produce learning in students, including interdisciplinary and collaborative learning experiences, distance learning, and a variety of modes and schedules for classes. What students learn rather than how much time they spend in a class would be emphasized.

In the learning paradigm, boards establish and affirm a vision, mission, and goals which emphasize learning, and monitor institutional performance by looking at learning outcomes. The ability to measure outcomes varies greatly depending on the outcomes sought; however, a board's emphasis on outcomes can help focus staff attention on the results of their efforts rather than on simply reporting activities to the board. For additional reading about the learning paradigm, see the article by Bob Barr and John Tagg, Palomar College, listed in the references.

Educational Goals (Ends)

John Carver has developed the concept of Ends policies, which is helpful in defining the role of governing boards in educational policy-making. Ends policies define the value added to the community by answering the question, "What good will be produced for which people, at what cost?" The "good" includes the learning produced by the institution. The people are those whom the college benefits outside of the organization, e.g. the students, different publics, and the community as a whole. The cost reflects the resources used as well as the alternatives not chosen.

Ends are not the services the college provides—they are the result of the services. Ends are not the activities in which the staff is engaged— those are the means the staff uses to achieve the Ends. Ends policies generally contain concepts which may be evaluated. As boards develop Ends policies and monitor the achievement of the colleges' goals, the need for good data becomes obvious. Boards must become informed about community demographics, economic projections, and educational needs in order to define Ends. They must have information about student outcomes and program effectiveness in order to evaluate progress.

Ends policies are externally oriented in that they direct board and college attention to the effect the college has on the community. It is a different focus than the traditional watchdog role of boards. Boards that are accustomed to reacting to and approving staff plans must learn to refocus their time and attention to externally-oriented strategic issues.

Educational Policy Goal Examples

Educational policy goals developed by different governing boards will reflect the unique needs of different communities and student populations. The following examples of educational policy goals are illustrations of how a board might fulfill its policy-making responsibility.

Example 1: Students prepared for employment success will have the knowledge of occupational choices, skills, work habits, and job leaders necessary for an economically self-sufficient life in the workplace (Carver & Mayhew, 1994).

Example 2: Students will obtain the lower division courses, knowledge and skills needed to succeed in earning a baccalaureate degree.

Example 3: Entering students who lack college-level reading and comprehension skills will acquire literacy skills at a level which enables them to participate in college-level courses.

Example 4: Employees in businesses and industry participating in contract education will gain technological skills which will enable them to maintain or upgrade their positions as new technology is integrated into the workplace.

The above examples reflect differing priorities and needs within communities. Boards should work closely with community groups and the leadership of the institution to clearly define community needs and develop educational priorities which fulfill the colleges' responsibilities to their communities.

References

Carver, J. *Boards that make a difference.* San Francisco: Jossey-Bass, 1990.

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Peters, T. & Waterman, R. *The Search for Excellence.*

6.2 MONITORING INSTITUTIONAL EFFECTIVENESS

Recent social trends include increasing public skepticism about the value of higher education and institutions are increasingly being asked to "prove" that what they do is "effective". Community colleges are regularly asked what they contribute to their local communities and to the state in return for public support.

As guardians of the public trust, boards are responsible for monitoring how effectively the college is educating students and providing other services which contribute to an educated and productive community. In addition, many states and some federal programs require community colleges to be accountable for student and institutional outcomes in such areas as student access, student success, student satisfaction, staff diversity, and fiscal efficiency. And, all regional accrediting associations have standards colleges must meet regarding measuring and monitoring institutional effectiveness.

Board Role

Trustee Responsibilities
- Establish the mission and goals as policy
- Define the desired outcomes (key core indicators)
- Monitor goal achievement through the indicators
- Establish a climate for achieving educational goals

Determining the effectiveness of an institution suggests that a college has a clear mission and is producing outcomes that meet community needs, and that the outcomes being produced are related to the mission. A primary role of the board is to develop and adopt policy statements which reflect the mission and goals of the institution. Board policies define the desired outcomes of the educational experience or the "ends" that the college should achieve

Boards also establish processes through which they monitor the progress of the institution toward achieving the goals. They may or may not establish targets or "benchmarks" against which to measure the performance of the institution. Boards help focus staff attention on achieving outcomes and improving institutional performance by emphasizing the importance of assessing progress toward goals. Monitoring institutional effectiveness identifies both strong and weak areas: boards should commend and reward good performance, and support programs which help weak areas improve.

Boards must also philosophically and through policy support the efforts of college staff to monitor and to improve program performance. Trustees can establish an environment which supports risk-taking and honest evaluation of weaknesses.

Mandates and Resources

State Mandates: AB1725, required the California Community College Board of Governors to establish a comprehensive educational and fiscal accountability system. Task forces consisting of representatives from various colleges developed the system, defining the information required by the state Chancellor's Office, and suggesting various models which could be adapted at the local level for more in-depth assessment of institutional effectiveness. The accountability system and

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recommendations are contained in two reports: *Improving It: Accountability by Design* and *AB1725 Model Accountability System*.

Accreditation: To be accredited, colleges must meet the accrediting standards of the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges. Standard One addresses institutional integrity, purposes, planning and effectiveness and requires colleges to state their goals with precision, engage in planning to achieve those goals, and evaluate their effectiveness in achieving purposes and goals. Boards should be familiar with Standard One of the accreditation manual: the policies boards adopt and their efforts in monitoring overall institutional effectiveness should relate to and support the elements outlined in that standard. Standards Two through Eight address the effectiveness of the different areas of the college (curriculum, general education, student services, learning resources, etc.) and are generally addressed by staff in those areas during the accreditation review process.

National trends: National groups such as the Education Commission of the States and the Wingspread Foundation have noted the growing federal and state interest in establishing expected outcomes for education and tying funding to outcomes measurement. In response to these national concerns, the American Association of Community Colleges published a special report, *Community Colleges: Core Indicators of Effectiveness,* which outlines a number of indicators of excellence (see below). It is an outstanding brief reference for institutions.

Indicators of Effectiveness

Trustees monitor the achievement of the goals through the information they ask for. Essentially, boards should know if the goals of the institution are being achieved -- that is, are students learning and being more productive members of society because of their experience at the college? Specific areas for exploration might include:

- What are the important demographic, economic, and social trends in the state and in the local communities that will be affecting the colleges? Is the college able to respond to these trends?
- What kinds of students are currently enrolled? Do these students reflect the population of the community? Are they the students the college should be serving?
- What kinds of preparation do students bring to community colleges? Do the college programs respond to their needs?
- What are the educational goals of students? Do college programs respond to their goals? Does the college have services to help students identify goals?
- How well are students' goals being met? How well do community college programs and services work? Is the evidence solid?
- What do students do after they leave the community college? Are they successful as transfers to four-year institutions? In finding jobs? In improving their skills and potential if currently employed?

Answering the above questions often takes the form of identifying key "core indicators," or sets of data that indicate how well the institution is performing in a particular area and achieving college-wide outcomes. Indicators and evaluation data range from being district-wide to classroom specific, and the number of indicators of performance in any one college could number in the hundreds. It is a key task of the board to identify the most important district-wide indicators (generally no more than 20) that the board wishes to monitor. Indicators can then be measure with quantitative data (numbers and percentages) and qualitative data (interviews and case examples). In addition, college staff will develop program specific indicators that should be tied to and support the district-wide indicators.

The Chancellor's office has outlined indicators to be used statewide in *Improving It: Accountability by Design*. The AACC document, *Core Indicators of Excellence*, Suggests similar indicators that may be useful to local districts (see boxes on following page.) The documents address the general areas of student access, student success, student satisfaction, staff composition, and the fiscal condition of the college. The indicators boards select should be tied to and reflect the unique mission and goals of each college. Indicators and measures will vary from institution to institution.

The indicators and related measures provide general information about performance and are most useful when they are used to compare performance to a relevant benchmark or to measure trends in performance over time. Relevant benchmarks may be established by the board and may include target goals or comparison to similar institutions.

As policy-makers, trustees should ensure that the information they request is related to the policy goals and the decisions they must make. Gathering and reporting information is a time-consuming process, and trustees can help ensure that research resources are well-used by asking only for information which will help them make policy decisions and evaluate progress toward goals. Those reporting the research should ensure that it is in a form useful to boards as policy-makers. Summaries about the relationship of data to policy goals are much more effective than providing extensive tables of data to the board.

Chancellor's Office Statewide Indicators

1. Student Access
    a. Community participation rates
    b. High school graduates participation
    c. Financial aid participation
    d. Categorical programs participation
    e. Basic skills and ESL enrollment
2. Student Success
    a. Persistence in courses, programs and the college
    b. Completion of degrees and certificates
    c. Completion by field of study
    d. Transfer
    e. Job placement
3. Student Satisfaction
    a. Student expectations and satisfaction
4. Staff Composition
    a. Staff diversity
    b. Faculty assignments
5. Fiscal Conditions
    a. Funding levels
    b. Fiscal stability

AACC Core Indicators of Excellence

1. Student goal attainment
2. Student persistence (Fall to Fall)
3. Degree completion rates
4. Placement rate in the work force
5. Employer assessment of students
6. Number and rate who transfer
7. Performance after transfer
8. Success in subsequent, related coursework
9. Demonstration of critical literacy skills
10. Demonstration of citizenship skills
11. Client assessment of programs and services
12. Responsiveness to community needs
13. Participation rate in service area

Supporting Institutional Effectiveness

Comprehensive planning and institutional assessment efforts require staff and resources dedicated to gathering, maintaining, analyzing, and reporting the data and information needed for decision making. Boards who fulfill their monitoring role well will recognize the need to dedicate resources to research and planning personnel and systems. There are generally three approaches colleges use in designing a research and planning function.

Institutional Research and Planning Office: This office has the designated function of organizing, conducting, and facilitating college or district research and planning. Generally the office reports to the president or a vice president.

Institutional Research Committee: A formal research committee shares the responsibility for institutional research. The committee usually identifies research topics and divides the research tasks among various individuals or offices.

Individual or Group Research: In this model, research is conducted on specific topics of interest by interested staff members. For example, an English professor or faculty group might review the success rate of students in several levels of English composition courses. However, comprehensive institutional effectiveness efforts are more necessary now than in the past, and some person or office must be responsible for coordinating individual efforts and connecting results to institutional goals.

Conclusion

Institutional self-assessment and local accountability systems contribute to learning at many levels. The state learns how institutions are meeting their goals and can provide aggregated information to policy makers. The board learns how well the college is accomplishing its mission. The college learns how well students are learning and meeting their goals. College trustees, faculty and staff learn where they have been effective and where not, and can develop plans for improving student learning and service to the community.

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6.3 STRATEGIC PLANNING

The following incorporates concepts from an article by Jeanne L. Atherton, Chancellor, Grossmont-Cuyamaca CCD and Marchelle S. Fox, Dean of Institutional Advancement, San Diego City College, first published in ACCCA's new administrator handbook.

Successful institutions, whether corporate or public, have strategies for planning and decision-making which engage the entire institution and which ensure that the direction of the institution is shaped by the relationship between the institution's mission and the community it serves.

The primary difference between strategic planning and a traditional educational master plan in community colleges lies in the emphasis on the challenges and opportunities imposed by the external environment on the institution. George Keller describes strategic planning as a process that recognizes the influence of environmental factors such as the global economy, foreign competition, demographic shifts, immigration, workforce patterns, technology, changing lifestyles, and social attitudes on the direction of our educational institutions. Acknowledging the relationship of the college to these "big picture" factors serves as a catalyst to trigger innovation, change and renewal.

Board Role

Trustee Responsibilities

- Establish policies which define the vision, mission, and goals
- Establish a climate conducive to strategic planning
- Represent broad-based community interests
- Be aware of social, economic, and technological changes influencing the college

Boards are responsible for ensuring that their colleges anticipate and are responsive to the future needs of their communities and to changing social, economic, and technological trends. As representatives of the community and as the keepers of the public trust, trustees, as a board, must define and establish the mission, vision and goals of the college. "The most important work of any governing board is to create and re-create the reason for organizational existence" (Carver, 1990). The board should focus on the world outside the organization and articulate the mission for the college — the results or "ends" for which the college is striving.

In order to ensure that the college's mission and goals reflect the needs of the community, trustees must be knowledgeable about diverse interests and social and economic needs of their communities. They must also be aware of general state, national, and international trends that may affect their colleges. Boards must be willing to incorporate and balance broad-based interests and trends into their policy-making processes. They should require and support the efforts the CEO and staff to engage in strategic planning.

What is Strategic Planning?

Several essential conditions must exist within the institution for effective strategic planning to take place.

- **Commitment by top level leaders.** Trustees, the CEO, faculty, and classified leadership, department and division administrators — all must understand and buy into the process and establish college planning priorities.
- **Broad participation by constituent groups.** Planning must begin at the departmental levels and must encompass all segments of the community college, and must include information about external needs and trends.
- **Clear understanding of mission.** Before the planning process can begin, the entire college constituency must have a clear understanding of the institution's mission and goals. These should be articulated by the CEO from discussions with the Board of Trustees, published and distributed to all personnel and advisory groups.
- **Integration with mainstream of decision making.** Existing shared governance mechanisms should be utilized in strategic planning. It should not be perceived that this process is peripheral to the college mainstream nor that it is orchestrated by administration.
- **Commitment to act, change, and improve.** Strategic planning must be dynamic and linked to the allocation of resources.

In the past, colleges could simply react to what were relatively slow change in local and state communities. However, the advent of the information society, rapidly expanding technological innovations, shrinking resources, demographic shifts, and declining enrollments removed the luxury of reactive planning. Colleges must be more anticipatory and proactive in determining how to allocate time and resources.

Strategic planning processes start with the college goals. The processes:

- firmly anchor master plans in the districts mission and philosophy.
- develop strategy for facing the future, and
- provide a framework for decision making throughout the organization.

Strategic plans should clarify basic assumptions and institutional values — often reflected in board policy. Assumptions may include such values as:

- People (students, faculty, staff, and administration) and development of a sense of community are important factors in the continued growth of the college.
- Continued emphasis on the teaching/learning process is critical to the ongoing vitality of the institution.
- Colleges capitalize on their strengths.
- Colleges can avoid areas of weakness and strategies that lead them away from the mission.

Strategic Planning IS NOT:

- a blueprint to follow.
- a set of platitudes.
- a personal vision.
- a compilation of departmental plans.
- an analysis of conditions and trends.
- the product of an annual retreat, and
- an elimination of risks.

Strategic Planning IS a process which:

- assesses the internal and external environment
- analyzes trends
- makes assumptions about the future
- is action oriented
- is participatory and tolerant of conflict and controversy, and
- is designed to enable the institution to respond quickly to changing conditions.

George Keller, *Academic Strategy*

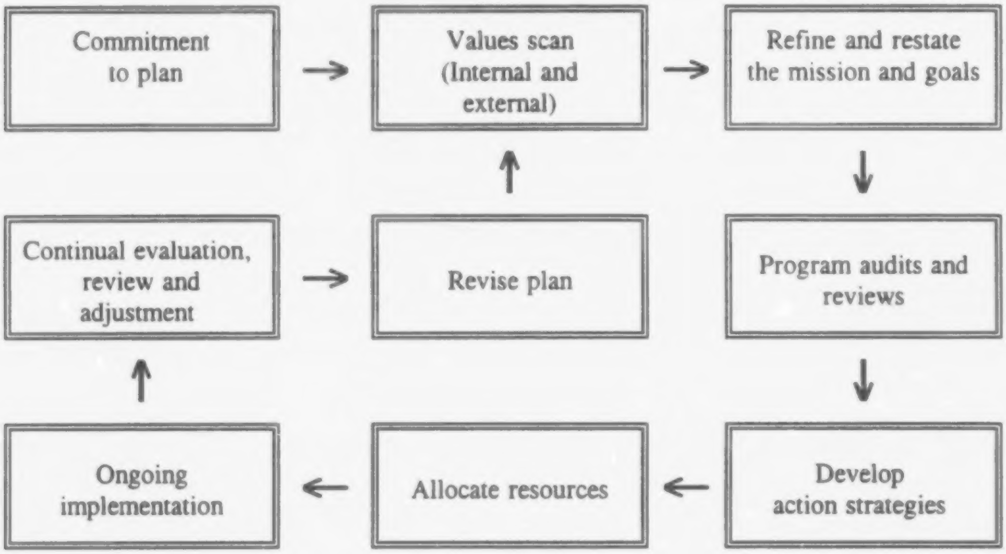
Strategic plans contain a definition of critical success factors, which again may be contained in board policy, such as:

- attractiveness to students
- comprehensive, quality programs
- productive, state-of-the-art staff
- fiscal soundness, and
- reputation.

The goals, assumptions and critical success factors will vary from college to college and may vary within the same district for different campuses and centers. The goals, assumptions and critical success factors may be contained in board policy, as they provide general direction for the entire institution. The actual strategizing, planning and implementing are activities that are conducted by the staff of the institution. It is important that plans be "owned" by those who must do the implementing. Therefore, it is important that staff at all levels be involved in assessing needs and developing strategies to meet those needs.

A Planning Process

Planning is an ongoing process. The purpose of planning is to be thought-provoking and to incorporate information from the external environment into internal strategies. Plans are documents that are left on shelves. They are to be used and continually revised. The board should have a regular schedule of reviewing college mission and goals which incorporates information from the external environment and reassesses where the college should be headed in the future. An example of an ongoing cycle is provided below. The board is involved at the values scan, mission definition, and evaluation stages: developing and implementing strategies are essentially staff responsibilities.


Commitment to plan
Values scan (Internal and external)
Refine and restate the mission and goals
Continual evaluation, review and adjustment
Revise plan
Program audits and reviews
Ongoing implementation
Allocate resources
Develop action strategies

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7.1 COMMUNITY RELATIONS and ADVOCACY

Community college trustees hold the college "in trust" for the community. They are elected to ensure that the college responds to community needs in ways that balance diverse needs. A board represents the general public's interests in governing the college and its primary allegiance should be to the external community, rather than to internal groups. The board is a "bridge and a buffer" between the community and the college.

Trustee Responsibilities

- As a board, design methods to ensure linkages between the board and community groups
- Serve as an advocate for the college in the community and to government.
- Become knowledgeable about the diverse needs and interests in the community.
- Be willing to buffer the college from undue influence from different groups to ensure academic freedom.
- Support the foundation and be willing to engage in fundraising.

The "bridge" role is fulfilled by creating and maintaining linkages with the different communities in a district. The role may involve fundraising, public relations and political advocacy: trustees can be powerful spokespeople for their colleges. Trustees who actively seek community connections provide a model for the college to engage in collaborative partnerships with business and industry. Trustees represent the college to the community and gain support for the district through their leadership. Trustees are also a bridge from the community to college staff. They remind the college about the needs of the community and prevent the college from becoming too insulated.

The "buffer" role involves resisting inappropriate intrusion into the internal affairs of the institution by outside groups and agencies or individuals. The board protects the college from undue influence and provides for an atmosphere of academic freedom. Colleges should not simply be arms of government or external interest groups -- as institutions, they must reflect, balance, and anticipate diverse societal needs. As buffers, boards balance the legitimate influence from external groups with the responsibility of the academy to push the edges of knowledge and to freely explore varying views and approaches.

Since, at times, the interests of the college and the interests of the community differ, the dual roles present trustees with dilemmas. Community needs may go unmet in the interests of student needs and vice versa. State boards, while powerful allies for local districts at the state level, may, at times, seem too involved in local issues. Local businesses and agencies which provide political and financial support may also make inappropriate demands on the college. Trustees face a fine balancing act in responding to their constituencies.

The sections that follow discuss some of the issues related to the community relations role, including who the community is that trustees represent and maintaining a balance between the bridge and buffer. The roles of trustees in fundraising, public relations and advocacy are also discussed. The last section covers issues related to being a "lay" trustee, one who represents the general public, not any one profession.

Who is the Community

Trustees, as elected leaders, must ensure that the district is responsive to the students and community. Questions often asked to guide all policy decisions are: Will this benefit our students? Will this benefit our community? However, there are many different publics and interests that demand to be heard and whose needs could legitimately be met.

Students: Student learning and success in achieving goals are at the heart of all endeavors. Board members are entrusted with the responsibility for providing current and potential students with a sound education.

Voters: As elected officials, there is a real and natural concern to meet the needs of those who put one in office. Trustees elected by area feel responsible to represent that area in some manner. Trustees supported by interest groups are aware of the help they received. However, part of the role of trustees is to represent the *general* interests of the institution, community, and students: the needs of special interests are less important and should not override those of the institution and its students.

Taxpayers: Taxpayers ultimately pay for the education at the college. Prior to Proposition 13, boards were responsible for setting local tax rates that supported the colleges, and were directly accountable to local communities. Now, with most funding coming from the state, the connection between the board and the taxpayers is more abstract even though there is a fiduciary responsibility to ensure that public funds are spent well.

Legislature and **Chancellor's Office:** The state has a natural interest in its community colleges, ensuring the appropriate expenditure of state funds, and that the colleges provide programs in the best interests of the state. The legislature passes laws, often mandating regulations from the Chancellor's Office and other state agencies. Colleges and boards find themselves developing programs in response to state guidelines and needs. Conflicts occur when the demands of the state and regulations are at odds with what the local districts believe is the best interests of its community and students. Trustees are faced with different levels of community needs: local, regional, state, and national.

Business and Industry: The college relationship with business and industry is receiving increased attention. Business and industry are looking to the colleges to provide them with educated and skilled workers and to offer courses to their employees. Decisions to establish or expand firms often depend on local educational opportunities. Serving business needs is an important responsibility, but trustees may need to question the impact of strong partnerships with business on other college programs.

Pluralistic social interests: Our communities and student bodies are increasingly diverse, as are district boards. Senior citizens, ethnic groups, single parents, displaced workers, and those in different neighborhoods may all have different and often competing needs. Trustees will often feel a kinship with one or more groups and/or a responsibility to those who elected them. The community colleges have a proud history of responding to a wide variety of communities. However, as funds are reduced, trustees may find it impossible to meet all needs and will have to choose what is in the best long-term interest of the students and district.

Local and regional government: City and county governments and regional agencies can be valuable allies for the college, particularly if they are aware of the college's contributions to the communities. Trustees can play a valuable role in communicating with other elected local officials, and representing the college to public boards for support financially and politically.

Other educational institutions: Baccalaureate-level institutions receive our transfer students. K-12 and the Regional Outreach Programs send students to the college. Many of the relationships which aid those transitions are developed by college staff; however, trustees are important "bridges and buffers" particularly with local school boards, public university state boards, and local boards of private institutions. Regional workshops and meetings with other community college trustees are an important source of information sharing, strategizing, and supporting regional planning for some programs.

Maintaining the Balance

It is not easy balancing or responding to the plurality of interests and community needs. Our pluralistic society adds richness and complexity to the colleges. The information each interest group contributes is important and must be considered. However, the board's leadership is essential to process and integrate that information and establish a clear mission and set of goals that can guide the college's response to the community.

When the needs of different groups are reasonably similar, then responding to them is easy. However, that is not usually the case. For many colleges, the mission and goals establish students as the primary focus for the programs of the college. There are also pressures from business and industry to provide programs that serve their needs which create new groups of students. The state, through the legislature and Chancellor's Office, establishes priorities and directions for the college. Different community groups may have different satisfaction levels related to the college response to their needs. Being an effective "bridge and buffer" to all of these groups may seem impossible. Trustees must be open to, gather, and sift through often competing needs and demands to determine the direction that best meets the general interests of the students and community. They should determine the long-term interests of the district and students, and avoid quick fixes.

Public Relations

Trustees, through their leadership, are responsible for enhancing the public image of the college. They actively work on behalf of the district through their involvement in the community and their professions. Trustees promote the mission, goals, and programs, and focus on setting the policies that guide the district in problem-solving. They control rumors, and respond to questions from the media. As "disinterested" parties, their comments and support often carry more weight than those from college staff.

Trustees can contribute to and facilitate ongoing communication with the different publics described above. Communication about priorities, opportunities, and constraints will garner support, and interest groups whose needs cannot be met will be more likely to support the decision if there has been ongoing communication during the decision-making process. Working effectively with the media includes building ongoing positive relationships, and coordinating information through the chief executive and public information officer.

To be effective, trustees must be educated about the programs and problems of the college. There must be constant communication and close cooperation between the chief executive and the board. The CEO should hear of community reactions and problems identified by the trustees, and trustees should receive information on college programs and potential problems.

The board has legal power only as a unit: trustees represent the board and have no authority as individuals. Therefore, the board's public comments should represent board decisions and policies, even if the trustee was not for a board decision.

Community, Regional, State, and Federal Politics

Local district involvement is the key to successful advocacy on behalf of the local districts. Locally elected officials are particularly effective with legislators and other elected officials, since they, too have electoral constituency bases. Knowing key legislators, city council members, county supervisors, and agency staff, and communicating with them on an ongoing basis — not just at critical times — is essential. Bringing officials to campus, following up on contacts, and building community support are important aspects of the trustee advocacy role.

The Community College League of California provides a number of resources for trustees on being effective advocates. The trustee board takes positions on a large number of legislative initiatives, and League staff sends legislative alerts at key times during the legislative process to garner support. District support is essential to effectively deliver our message in Sacramento. The *Legislative Advocacy Handbook* outlines the legislative process, League legislative activities and communication strategies, how to build effective legislative relations, lists of legislators, state officials, a glossary, and other information.

Funding and Fundraising

While fundraising has long been a major role for trustees of private institutions, it has not been a part of the role for community college trustees. However, with the current fiscal climate, ensuring a variety of sources of funds is everyone's job, and trustees are in a unique and important position to lead and support fundraising efforts.

Trustees are very important in lobbying for public funds. As elected officials and community representatives, their voices are influential in the state legislature. Their leadership can motivate students, business and industry leaders, local government, alumni, voters and campaign contributors, and community activists to advocate funding. Successful, "new style," lobbying involves broad-based coalitions rather than narrow interest groups. Trustees support and leadership is also important at the local level in bond campaigns and redevelopment efforts.

Most community fundraising is conducted through college foundations. Trustees can enhance the success of their foundation by giving it a high priority, adequate staffing, and actively using their personal and business contacts in the community to solicit donors and participants in the foundation. Trustees may also serve on the foundation board, and provide a link between that board and the governing board to ensure that the college mission and goals are as important to the foundation as they are to the college.

Successful foundations have a comprehensive, visionary fundraising program, with professional staff. Foundation activities vary from college to college, and can include capital campaigns, special events, personal solicitation, planned giving, and the like. Activities supported by foundations include student scholarships, faculty grants, instructional equipment and programs, professional development, and facilities.

Fundraising Check List

As trustees become more involved in supporting fundraising efforts for their districts, this checklist may be helpful:

1. Do I understand the plans and program for fund raising? Do I understand how funds will be spent to further the college goals?
2. Do I fully understand and endorse why someone should contribute?
3. Do I continually offer my additions to solicitation mailing lists?
4. Do I assist staff in identifying and evaluating prospects--individuals, corporations, and foundations?
5. Do I share in cultivating key prospects?
6. Do I make introductions for others to make a solicitation visit?
7. Do I accompany others in solicitation visits?
8. Do I write follow-up and acknowledgement letters?
9. Do I write personal notes on annual appeal letters?
10. Am I prepared to make a solicitation myself?
11. Do I myself contribute to the fullest measure within my means?

Adapted with permission from *Board Member*, January-February, 1992, National Center for Nonprofit Boards.

Board Member Expertise

Colleges can be insular institutions. One of the values of lay boards in higher education is to provide disinterested leadership and ensure that colleges are responsive to the broader community. Board members use their perspectives and knowledge to insist that faculty and administration understand the framework of the larger world. They may be more aware than educators about changes in society, business, and local government that influence the college mission.

Board members who work full time in education, whether it be a university, K-12 district, or another community college, are in an interesting position. On the one hand, it is much easier for them to understand issues, regulations, and "educationese" during the board discussions. On the other hand, because of their familiarity, it can be tempting to get involved in day-to-day operations, and to lose the broad policy perspective so valuable to boards. Educators who are board members must make extra efforts to maintain contact and actively seek information from the community at large and to avoid the "inbreeding" that could weaken the college's response to the community.

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Community College League of California
Trustee Handbook
January, 1996

8.1 FISCAL POLICY

The responsibility of California's community colleges to ensure their financial solvency has become especially challenging for trustees. Proposition 18, Proposition 93, the Gann spending limit, and funding policies in AB 1725 all impact the way state financial resources are allocated to the community colleges. In the early 90's, the state's economic situation decreased the support needed to serve California's growing population.

National issues also impact support for education, particularly in the areas of financial aid for students and support for vocational education programs.

To meet the challenge of ensuring the financial solvency of the districts and colleges and to maintain budget authority for local boards, trustees must understand the fiscal condition of their districts. Part of assuring the quality and integrity of the institution is responsibly managing available financial resources. Understanding the board's role and responsibilities in the budget building and audit processes will facilitate that job. Community college trustees have a major responsibility to provide leadership for financial security and stability.

Given the trend toward diminishing resources, interest is increasing in fund-raising activities that can supplement state support. These activities include grants, bond campaigns, asset management, business partnerships, special events, private fund-raising, alumni programs, planned giving, and often involve the establishment of a foundation.

Funding Sources

On a statewide basis, about 4 percent of the funds are federal, 52 percent are from the state, and 44 percent are from the local area. State funds include our general apportionment, categorical funds, capital construction, the lottery (which is a little less than 3 percent), and other minor sources. Local funds include property taxes, student fees, and miscellaneous sources. The state calculates the allocation for each district based on both state and local resources.

Funds are allocated to the colleges using a program-based model. The model uses different factors to establish support levels for five different *programs* or functions: (1) Instruction and Instructional Administration; (2) Instructional Services; (3) Student Services; (4) Operation and

Trustee Performance Goals

...related to managing the financial resources of your community college are to:

- concentrate efforts on discussion of policy, growth, direction, evaluation, philosophy, finances, community needs, accountability, and other priorities.
- complete and update short-range and long-range planning programs.
- review, evaluate, and update all written policies, the college mission statement, and objectives.
- ensure ongoing financial stability of the district.
- provide budgetary direction that maximizes efficiency.
- review the audit process of the college, and
- ensure that the college meets legislative mandates.

Instructional Administration; (2) Instructional Services; (3) Student Services; (4) Operation and Maintenance of Plants; and (5) Institutional Support. The model was instituted in 1991, and replaces an older model based on enrollment. Districts are *not* required to allocate monies locally using the program-based funding model: it is only used to determine the allocations from the state.

The Budget Building Process

Strategic Planning

On or before September 15, district boards of trustees are required under Section 58305 of the California Code of Regulations, Title V, to adopt a balanced budget. This is one of the most important activities performed by a board. The budget that you approve should reflect the values, educational priorities, future goals of your college, and be fiscally prudent. It should translate short-range and long-range planning decisions into financial allocations.

The first phase of budget development is the strategic planning phase and usually occurs at the beginning of the academic year through a series of planning sessions. Critical issues, such as demographic trends, economic realities, program reviews, facility utilization, student and staff diversity, should be discussed.

These discussions should lead to the realistic identification of constraints and opportunities facing your district at this time. Out of these planning sessions should flow information for strategic decision making, and the board should review and update, if necessary, the mission, goals, and objectives of the district. Through this formulation of strategic policies, budget priorities for the coming year can be developed.

Operational Planning

The next phase of the budget building process is managed by the CEO. This phase puts into operation the budget priorities set by the board. To this end, the chief executive officer takes steps to assure effective budget preparation and input from the various departments and constituents in the district. Shared governance regulations provide for faculty involvement in the budget development process: many districts also include classified staff and students. Actions leading to the development of a well-rounded spending plan include:

1. incorporating input from each budget unit (e.g., departments, special projects).
2. providing for interaction among organizational unit representatives and relevant executive staff.
3. compiling requests by the chief finance officer.
4. evaluating staffing, and
5. balancing resources against proposed expenditures.

Resource Allocation

The CEO then is responsible for the submission of a draft budget to the board. The budget should link strategic planning decisions to the allocation and reallocation of resources. There are times when the district will not have sufficient resources to accomplish all of the board's priorities, or the amount of funds to be received is not known at the state level. In such cases, alternative budgets are often presented. To facilitate understanding of the budget, information and terminology should be clear, evidence should be provided indicating that it's sound, and it should be presented in an understandable format. Long range projections are also important to indicate the impact of various policies, contract commitments, and legal requirements.

Board Review and Approval

In evaluating the proposed budget, trustees sometimes create a board finance committee to conduct workshops before the total board considers the budget for adoption. The committee and the board should carefully review all projected income to make sure that the projections are realistic. Likewise, a review of the proposed expenditures is conducted to make sure that they are realistic. Among the questions which trustees should ask are the following:

1. How does the budget support the mission, goals and objectives of the college?
2. Is it balanced and how (with current income or past year's balance)?
3. Are there significant changes from last year?
4. What is the predicted ending balance? Is it realistic?
5. How large a reserve is being carried? Are reserves being used to balance the budget? Are reserve levels adequate to mitigate fiscal extremes of unforeseen emergencies.
6. If reserves fall below a specified level, what is being done to restore them to the agreed upon level?
7. What are the long term implications and commitments for future costs?

While reviewing the budget, recognize that substantial portions of the budget are legally committed and cannot be altered. Insurance, debt service, and other fixed costs along with salary and salary-related items can take up to 90 percent of the budget. Also be aware that many budget items interrelate.

Recognize, too, that a budget which comes within two percent of income or expenditures is right on target. So a good practice is to budget conservatively. That is, budget slightly less income than you expect to receive and slightly higher expenditures than you expect to make. If the board makes it clear to the staff compiling the budget that conservative budgeting is expected, the budget that is proposed will generally be conservative.

When you approve the budget document, you are setting policies which will have great impact on the college. The allocation of funding reflects and dictates the operations of the institution, and must reflect the specific mission and goals for them to have any real meaning. Trustees should spend sufficient time to understand the budget proposal, supporting documentation, and any special recommendations.

Budget is Dynamic Estimate

The budget is a dynamic instrument and is meant to be updated and modified periodically as operational and programmatic changes occur. The budget approved at the beginning of the year is the college's best estimate of projected income and expenditures and will probably not be the same as the budget at the end of the year. Boards will allow for district flexibility to make changes to meet unanticipated needs or respond to reduced income.

Trustees, as well as college staff, should receive periodic reports throughout the year as to how the budget is faring.

Appropriations Process

State Budget Cycle

Each September, every state agency, including the Chancellor's Office of the California Community Colleges, submits to the Department of Finance (DOF) proposals for changes in the state budget. These proposals are submitted in the form of Budget Change Proposals (BCPs), lengthy and detailed analyses of needs, proposed solutions and expected outcomes.

In October, DOF staff meet with state agency personnel on each proposal, asking questions and seeking more data or justification. By December, following many staff-to-staff sessions, the DOF makes recommendations to the governor, and by January 10 a proposed state budget is presented by the governor to the legislature.

The Governor's Budget is then analyzed and discussed in committees, and hearings begin in the state Assembly and Senate. In May, based on the debate, analysis and changes in the economic forecasts, the governor issues a budget revise with changes he or she can support. The law requires the legislature to submit its approved budget by June 15, and by June 30 the governor should announce his or her line item reductions and signs the state budget.

Where the Money Goes

Percent	
40	Certificated Salaries
20	Classified Salaries
14	Employee Benefits
12	Materials and Other Supplies
3	Capital Outlay
2	Other Outgo
9	Ending Balance

Role of Trustee During Appropriations Process

Local boards should be involved in the state budget process throughout its development. Lobbying activities at the state level are conducted by the League working with other organizations representing community college interests. The League depends on local trustees and college staff to keep in touch with their legislators on a year-round basis to assure the visibility of community college concerns during the legislative session.

Legislative committees are usually comprised of legislators representing a geographical cross-section of the state and your board can take advantage of its local roots and contact members from its district. If a legislator is familiar with local community college activities, he or she will be more likely to support legislation that favors community colleges.

In addition, you need to be aware of the top administrative officers in the Governor's Office and the state Board of Governors of California Community Colleges, as well as officials in the Chancellor's Office. It is important for a board to be aware of their interests and priorities, and wherever possible, to support their directives.

Audits and Monitoring

External Audit

Independent local audits are required annually under Section 84040 of the California Education Code. Duties of the board relating to these audits include: selecting the auditor; creating a climate of cooperation toward the audit process; reviewing audit findings and determining in conjunction with the district superintendent and/or college president appropriate corrective actions; and follow-up reviews to verify that the planned corrective actions were implemented.

The responsibility of the auditor to the board is to report on financial statements, to prepare a management letter highlighting weaknesses in internal control and ways to increase efficiency and effectiveness, and to report on compliance with federal and state requirements.

State Monitoring

The Chancellor's Office is also responsible for monitoring the fiscal condition of local districts (Section 58310 of Title V). Districts are required to:

- ensure ongoing fiscal stability.
- maintain adequate cash reserves and effective internal controls.
- ensure adequate resources for planned expenditures.
- plan for repair and replacement of equipment and facilities.

- adopt policies to ensure that auxiliary activities relate to the college mission and are fiscally accountable.
- inform the governing board on the fiscal condition of the district.
- have an adequate management information system providing timely and accurate fiscal information.
- have processes to communicate fiscal policies, evaluate changes, and when necessary, to make adjustments.
- plan for both short-term and long-term goals, include broad-based input, and coordinate fiscal planning with educational planning, and
- ensure that the capital outlay budgets are consistent with their five year plans.

Quarterly reports to the board of trustees on the financial condition of the district are required by law. After board certification, these reports are submitted to the Chancellor's Office. The Chancellor's Office has established a process and criteria for monitoring and evaluating the financial condition of districts. Some of the criteria used to determine whether further analysis may be necessary is:

- the general fund balance of less than 3 percent (minimum) or 5 percent (prudent) of expenditures.
- a major decline of the general fund balance over several years.
- borrowing or transferring funds and at year end for cash flow.
- general fund deficit spending pattern over several years.
- salary increases exceeding a specified threshold (2 percent in 1993) for two or more years.
- significant FTEs decline or unfunded FTEs.
- notices or alerts from the district and/or county.
- commingling Certificates of Participation (COP) money with the general operation monies, or using COP's for general operations, and
- significant delays in submitting of required reports.

Generating New Financial Resources

Role of the Trustee

Trustees should provide direction and support, and establish policies regarding types of strategies that the college might use to raise additional (non-state revenues) resources. The following strategies have been used by community colleges and might be considered when examining ways to raise additional revenue:

- community college foundations.
- alumni associations.
- planned giving (i.e. deferred gifts, benefits, trusts).
- special events.
- corporate grants and business partnerships.
- redevelopment funds, and
- asset management practices.

Community colleges are relative newcomers to local fundraising efforts. Board leadership is essential for the success of local efforts. Although the role is new to many boards, it is an important trustee responsibility.

Appreciation is extended to Steve Nakamura, Fiscal Policy Division, Chancellor's Office, for his review of this information. Other helpful associations are the Chief Business Officers and Community College Internal Auditors.

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8.2 GLOSSARY of FINANCE TERMS

Accounting	The process of identifying, measuring, and communicating financial information to permit informed judgements and decisions by users.
Allocation	Division of distribution of resources according to a predetermined plan.
Apportionment	Federal or state monies distributed to college districts or other governmental units according to certain formulas.
Assessed Value	The value of land, homes or businesses set by the county assessor for property tax purposes. Assessed value is either the appraised value of any newly-built or purchased property or the value on March 1, 1975 of continuously owned property, plus an annual increase. This increase is tied to the California Consumer Price Index but may not exceed 2 percent.
Assessment Districts	A geographical area — much like a school, water or college district — created by residents to pay for special projects, such as capital programs.
Asset Management	Using excess district property or facilities to generate revenue. Common examples are golf driving ranges and leased property for private development.
Average Daily Attendance (ADA)	The unit which was used prior to FTES as the basis for the computation of State Apportionment for California Community Colleges.
Auxiliary Operations	Service activities indirectly related to teaching and learning. Food service and dormitories are considered auxiliary operations.
Base Year	A year to which comparisons are made when projecting a current condition.
Block Grant	A fixed sum of money, not linked to enrollment measures, provided a college district by the state.
Bonds	Investment securities (encumbrances) sold by a district through a financial firm for the purpose of raising funds for various capital expenditures.
Budget	A plan of financial operation for a given period for a specified purpose consisting of an estimate of revenue and expenditures. (Ideally an educational plan expressed in dollars.)

Budget Act	The legislative vehicle for the State's appropriations. The Constitution requires that it be passed by a two-thirds vote of each house and sent to the Governor by June 15 each year. The governor may reduce or delete, but not increase, individual items.
Budget Change Proposals	The documents developed by the Chancellor's office to request changes and increases in the amount of money the state provides to community colleges.
Budgeting	The process of allocating available resources among potential activities to achieve the objectives of an organization.
Categorical Funds	Funds received by a district for a certain purpose which can only be spent for the purpose. Examples: funding to serve students with disabilities (DSPS) or the economically disadvantaged, low-income (EOPS), deferred maintenance, instructional equipment capital, construction, matriculation, faculty and staff development, and faculty and staff diversity.
Chart of Accounts	A systematic list of accounts applicable to a specific entity.
Consumer Price Index (CPI)	A measure of the cost of living compiled by the United States Bureau of Labor Statistics. These indices of inflation are calculated regularly for the United States, California, some regions within California, and selected cities. The CPI is one of several measures of economic stability or change.
Certificates of Participation (COPs)	COPs are bonds issued by groups of school and college districts and paid for over a number of years with operating revenue. Districts use COPs to fund capital outlay projects.
Cost of Living Adjustments (COLA)	An increase (or theoretically a decrease) in funding for revenue limits or categorical programs. Current law ties COLAs to indices of inflation, although different amounts are appropriated in some years.
Course Classification	All courses offered by a college are classified by area (Examples: Letters and Science, Vocational, Community Services, etc.) by credit given, and by transferability; this information is routinely submitted to the State Chancellor's Office.
Current Expense of Education (CEE)	ECS 94362 — The current General Fund operating expenditures of a community college district, excluding expenditures for food service, community services, object classifications 6000 (except equipment replacement) and 7000, and other costs specified in law and regulations.
Deferred Maintenance	Major repairs of buildings and equipment which have been postponed by college districts. Some matching state funds are available to districts which establish a deferred maintenance program.
Education Code	The body of law which regulates education in California. Additional regulations are contained in the California Administrative Code, Title 5, the Government Code, and general statues.

Encumbrances	Obligations in the form of purchase orders, contracts, salaries, and other commitments for which part of an appropriation is reserved.
Ending Balance	A sum of money available in the district's account at year's end after subtracting accounts payable from accounts receivable.
Enrollment/ADA (FTES) Cap	A limit on the number of students (ADA - now FTES) for which the state will provide funding.
Equalization	Funds allocated by the Legislature to raise districts with lower revenue limits toward the statewide average.
Estimated Income	Expected receipt or accruals of monies from revenue or nonrevenue sources (abatements, loan receipts) during a given period.
Expenditures	Amounts disbursed for all purposes. Accounts kept on an accrual basis include all charges whether paid or not. Accounts kept on a cash basis include only actual cash disbursements.
Fee	A charge to students for services related to their education.
Fifty Percent Law	Requires that fifty percent of district expenditures in certain categories must be spent for classroom instruction. Excludes counselors.
Foundation	A separate entity created by the districts to receive, raise and manage funds from private sources.
Full Time Equivalent Students (FTES)	Workload measure that replaced ADA in 1992.
Fund	An independent fiscal and accounting entity with a self-balance set of accounts for recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein.
Fund Balance	The difference between assets and liabilities.
General Fund	The fund used to account for the ordinary operations of the district. It is available for any legally-authorized purpose not specified for payment by other funds.
Inflation Factor	An increase in apportionment provided by the state to reflect the increased cost of operation due to inflation.
Lottery	A state approved and managed gambling system. Approved by voters in November 1984, lottery games began in October 1985. The minimum of 34 percent of lottery revenues distributed to public schools and colleges must be used for "education of pupils." Lottery income has added about 3-4 percent to community college funding.
Mandated Costs	College district expenditures which occur as a result of federal or state law, court decisions, administrative regulations, or initiative measures.

Marginal Funding	A procedure whereby the gain or loss in funds for growth or decline in ADA is computed at a rate which is less than the average revenue per ADA.
Noncredit ADA	ADA earned in noncredit courses, generally Adult Education.
Object Code	Expenditure classification category of an item or a service purchases.
Outsourcing	The practice of contracting with private companies for services such as financial aid programs.
Per Capita Personal Income	Income before taxes as estimated by the U.S. Department of Commerce.
Program-Based Funding	The system whereby programs or activities generate revenue based on a formula or allocation. It does not specify where and how the funds must be spent. Also called differential funding.
Program Improvement Funds	Funds created by AB1725, not included in a district's general apportionment with specific purposes to improve general programs, including reaching the 75/25 ratio.
Proposition 13	An initiative amendment passed in June 1978 adding Article XIII A to the California Constitution. Tax rates on secured property are restricted to no more than 1 percent of full cash value. Proposition 13 also defined assessed value and required a two-thirds vote to change existing or levy other new taxes.
Proposition 98	An initiative passed in November 1988, guaranteeing at least 40 percent of the state's budget for K-12 and the community colleges. The split is supposed to be 89 percent (K-12) and 11 (CCC), although the split has not been maintained.
Reserve	That portion of the ending balance which is not encumbered for specified projects or other expenditures.
Reserves	Funds set aside in a college district budget to provide for future expenditures or to offset future losses, for working capital, or for other purposes.
Restricted Funds	Money which must be spent for a specific purpose either by law or by local board action.
Revenue	Income from all sources.
Revenue Limit	The specific amount of student enrollment fees, state and local taxes a college district may receive per pupil for its general education budget. Annual increases are determined by Proposition 98 formula or the Legislature.
75/25 Ratio	The goal established by AB1725 for the ratio of full-time faculty to part-time faculty.

Shortfall	An insufficient allocation of money, requiring an additional appropriation or resulting in deficits.
Split Roll	A system for taxing business and industrial property at a different level from individual homeowners.
State Apportionment	An allocation of state money to a district, determined by multiplying the district's total FTES times its base revenue per FTES.
Subventions	Provision of assistance or financial support, usually from higher governmental units to local governments or college districts, for example to compensate for loss of funds due to tax exemptions.
Sunset	The termination of the regulations for a categorical program or regulation.
Tidelands Oil Revenues	Money from oil sales on state-owned lands. When available, some of the revenues are appropriated for community college capital outlay needs.
Title 5	The Section of the Administrative Code which governs community colleges. The Board of Governors may change or add to Title 5.
TOP Code	Taxonomy of Programs code number used in budget.
TRANS	Districts seeking to raise funds to manage their annual cash flow issue Tax and Revenue Anticipation Notes (TRANS) through bond underwriters. Bonds are paid off with operating revenue.
Tuition	Charges to students for instructional costs. May be used to pay faculty salaries (fees may not).
Unencumbered Balance	That portion of an appropriation or allotment not yet expended or obligated.
Unfunded FTES	FTES which are generated in excess of the enrollment/FTES cap. (Previously referred to as Unfunded ADA.)
WSCH	Weekly Student Contact Hours is part of the formula used to determine faculty workload.

This glossary is based on one developed by Tom Van Gronigen with revisions by League staff.

COMMUNITY COLLEGE LEAGUE OF CALIFORNIA

NEW TRUSTEES ORIENTATION

FEBRUARY 3, 1996

OPEN PUBLIC MEETING REQUIREMENTS UNDER THE BROWN ACT AND CALIFORNIA EDUCATION CODE

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OPEN PUBLIC MEETING REQUIREMENTS UNDER THE BROWN ACT AND CALIFORNIA EDUCATION CODE

I. APPLICABLE LAW - 1993 AMENDMENTS TO THE BROWN ACT

A. Ralph M. Brown Act
[Government Code Sections 54950-54962.]

B. The Brown Act was significantly amended by three bills passed by the Legislature and signed by the Governor on October 10, 1993 [Senate Bill 36, introduced by Senator Kopp (Chapter 1137), Senate Bill 1140 introduced by Senator Calderon (Chapter 1138) and Assembly Bill 1426, introduced by Assemblyman Burton (Chapter 1136)].

1. S.B. 36 (Kopp) and A.B. 1426 (Burton) are now nearly identical although when introduced they differed greatly. Originally, SB 36 was very much like legislation which passed the Legislature in 1992, but was vetoed by the Governor because of cost considerations.

2. Senator Kopp's legislation was supported by the California Newspaper Publishers Association, the First Amendment Coalition and other media organizations, and was initially opposed by various government groups including the Community College League of California (CCLC), the California School Boards Association (CSBA) and the California League of Cities (CLC).

3. Senator Calderon's bill initially attempted to occupy the middle ground between the status quo and the major changes embodied in the Kopp/Burton legislation. The Calderon bill was supported by CCLC, the CSBA and CLC.

C. The 1993 amendments became effective April 1, 1994. The Brown Act was the subject of further "technical" revisions just prior to April 1, 1994. (Statutes of 1994, Chapter 32.) Education Code Section 35147 was added, relating to schoolsite advisory committee and council meetings, effective July 20, 1994. (Chapter 239.)

D. The California Education Code imposes additional requirements with respect to the meetings of school and community college district governing boards.
[School Districts - Sections 35140-35146; Community College Districts - Sections 72121-72129.]

II. INTENT

Public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. [Government Code Section 54950.]

III. THE "RULE" - GOVERNMENT CODE SECTION 54953

All meetings of the Legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

A. "Local agency" as used in Section 54953 includes school and community college district governing boards. Regional occupational programs and joint powers agencies are also local agencies for purposes of the Brown Act. [Government Code Section 54951.]

   1. Until March 31, 1994, "local agency" included any nonprofit corporation created by a local agency, any one of the members of whose board of directors is appointed by the local agency and which is formed to acquire, construct, reconstruct, maintain, or operate any public work project. [Government Code Section 54951.7.] E.g. nonprofit corporations established for the purpose of facilitating construction pursuant to certificate of participation financing consisting of members of the district's governing board.

   2. As of April 1, 1994, the entities described above as "local agencies" will be defined as "legislative bodies" of a local agency pursuant to amended Government Code Section 54952(c).

B. Effective April 1, 1994, the definitions of a "legislative body" were consolidated into one section, Section 54952. If a given entity fits within any definition of a legislative body, then it is subject to the various requirements of the Brown Act.

Amended Government Code Section 54952 defines a "legislative body" to include the following:

1. The governing board of a school or community college district, ROP or JPA etc. [Government Code Section 54952(a).]

2. Commissions, committees, boards, or other bodies of a local agency, whether permanent or temporary, decision-making or advisory, created by resolution or some other formal action of a legislative body. [Government Code Section 54952(b).]

   - E.g. personnel commissions.

   - E.g. academic senates.
     [66 Ops.Atty.Gen. 252 (1983).]

   - E.g. Community College student body associations. Such organizations are advisory to district boards and are therefore a legislative body and subject to the Brown Act. [75 Ops. Atty.Gen. 145 (1992).]

3. "Legislative body" does not include advisory committees composed solely of the members of the legislative body which are less than a quorum of the legislative body. [Government Code Section 54952(b).]

   - This language clarifies prior law. Not all less than a quorum committees are excluded from the definition of a "legislative body;" to be excluded, the committee must be "advisory" only and not "decision-making," and must not be a standing committee.

     E.g. an ad hoc committee comprised solely of less than a quorum of the board created for the purpose of advising the full board on the qualifications of candidates for appointment to a vacant position is not a legislative body. [Henderson v. Board of Education, 78 Cal.App.3d 875, 144 Cal.Rptr. 568 (1978).]

   - **N.B.** If the ad hoc committee includes members who are not members of the Board the Act will apply.

   - Committees appointed by the superintendent, without any formal action by the Board, are not covered by the Act. However, the Board must not in any way "instigate" the formation of the committee; the concept of "formal action" is broadly construed. Joiner v. City of Sebastopol, 125 Cal.App.3d 799, 805, 178 Cal.Rptr. 299 (1981); and Frazer v. Dixon Unified School District, 18 Cal.App.4th 781, 792-793, 26 Cal.Rptr.2d 641, 649-650 (1993)

4. Standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by resolution or other formal action of a legislative body are legislative bodies for purposes of the Brown Act.

5. A board, commission, committee, or other multi-member body that governs a private corporation or entity is a "legislative body" if it:

    a. Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected body to a private entity [Government Code Section 54952(c)(1)]; or

    b. Receives funds from a local agency and the membership of the governing body includes a member of the legislative body of the local agency appointed by the legislative body of the local agency. [Government Code Section 54952(c)(2)]

6. Other provisions of law may subject certain organizations to the "Brown Act," e.g., community college district auxiliary organizations. [Education Code Section 72674.]

C. The 1993 Amendments to the Act define "member of a legislative body of a local agency" to include any person elected to serve as a member of a legislative body who has not yet assumed the duties of office. Such persons must conform their conduct to the requirements of the Act, and will be treated for purposes of enforcing the Act as if they had already assumed office. [Government Code Section 54952.1.]

A legislative body may require that each member be given a copy of the Act. Similarly someone who has been elected to serve on the body, but has not yet assumed office may be given a copy of the Act.

IV. WHAT IS A MEETING?

A. The 1993 Amendments to the Act include a definition of a meeting. This definition codifies prior interpretations of the Act by the Attorney General and the State appellate courts.

1. A meeting is a gathering of a quorum of the legislative body, no matter how informal, where business is discussed or transacted. [Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, 263 Cal.App.2d 41, 69 Cal.Rptr. 480; and 61 Ops.Atty.Gen. 220 (1978).] (Luncheon meetings where public business is discussed are subject to the Brown Act.)

   - Deliberations in this context connotes not only collective decisionmaking, but also the collective acquisition and exchange of facts preliminary to the ultimate decision. Frazer, 18 Cal.App.4th at 794, 22 Cal.Rptr. at 651.

2. Meeting includes "study," "discussion," "informational," "fact finding," or "pre-meeting" gatherings of a quorum of the members of a board. Whether action is or is not taken is irrelevant. [42 Ops.Atty. Gen. 61 (1963).]

B. Effective April 1, 1994, a meeting is defined to include:

1. Any congregation of a majority of the members of the legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body. [Government Code Section 54952.2(a).]

2. Except as authorized by Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited. [Government Code Section 54952.2(b).]

   - "Action taken" means a collective decision by a majority of the members of the legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote of the body. [Government Code Section 54952.6.]

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C. The requirements of the Brown Act do not apply to the following:

1. Individual contacts or conversations between a member of a legislative body and any other person. [Government Code Section 54952.2(c)(1).]

2. The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general concern to the public or agencies of the type represented by the legislative body, provided a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the local agency. This paragraph is not intended to allow members of the public free admission to a gathering where the organizers have required the other participants to pay a fee as a condition of attendance. [Government Code Section 54952.2(c)(2).]

3. The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body. [Government Code Section 54952.2(c)(3).]

4. The attendance of a majority of the members at an open and noticed meeting of another body of the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body. [Government Code Section 54952.2(c)(4).]

4. The attendance of a majority of the members at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. [Government Code Section 54952.2(c)(5).]

V. PUBLIC MEETING PROCEDURES

A. Boards must meet at least monthly and must by rule fix the time and place for their regular meetings. [Education Code Sections 35140 and 35144 and 72000(c)(4).] [Government Code Section 54954.]

B. Effective April 1, 1994 - Location of Meetings [Government Code Sections 54954(b) and (c)]

1. Regular and special meetings of school district boards must be held within the territory of the district except in order to:

    a. Comply with state or federal law or a court order, or attend a judicial or administrative proceeding to which the local agency is a party.

    b. Inspect real or personal property which cannot conveniently be brought within the boundaries of the district provided that the topic of the meeting is limited to items directly related to the real or personal property.

    c. Participate in meetings or discussions of multi-agency significance that are outside the jurisdictional boundaries of the district. However, the meeting must be held within the territory of one of the participating agencies and be noticed by all participating agencies as provided for in this chapter.

    d. Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the district, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

    e. Meet with state or federal officials, where a local meeting would be impractical, solely to discuss legislative or regulatory matters affecting the district over which the state or federal officials have jurisdiction.

    f. Meet at or near a facility owned by the agency located outside its territory, if the meeting is limited to items directly related to that facility.

    g. Meet at the office of the agency's attorney for a closed session on pending litigation, when to do so would reduce fees or costs.

2. Additionally, school board meetings may be held outside the district for the following purposes:

   a. Attend a conference on non-adversarial collective bargaining techniques. Eg. CFEIR.

   b. Interview members of the public residing in another district regarding the potential employment of the superintendent of that district.

   c. Interview a potential employee from another district.

3. Community college districts must hold their meetings within their own jurisdiction, except if certain very limited exceptions apply:

   a. Meeting with another local agency.

   b. Meeting in closed session with counsel to discuss pending litigation.
   [Education Code Section 72000(d)(2)(A) and (B).]

4. A JPA must meet within the territory of at least one of its member agencies, unless one of (a) through (g) above applies. [Government Code Section 54954(d).]

5. If by reason of a fire, flood, earthquake, or other emergency, it is unsafe to meet in the usual place, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer or his designee, in a notice to the local media that have requested notice, by the most rapid means available at the time. [Government Code Section 54954(e).]

C. Mailed notice of meetings

1. A board must give mailed notice of every regular meeting and any special meeting which is called, at least one week prior to the date set for the meeting, to any person who has filed a written request for that notice. Notice of a special meeting called less than seven days prior to the date set for the meeting shall be given in a manner deemed practical by the Board. [Government Code Section 54954.1.]

2. Requests for notice are valid for one year.

3. Failure of any person to receive the notice called for by Section 54954.1 will not constitute grounds for any court to invalidate the action taken at the meeting for which the notice was given.

D. Special Meetings - 24-hour notice [Government Code Section 54956.]

1. The board may only consider business specified in the notice. [Government Code Section 54956.]

2. The board may hold a closed session as part of a special meeting.

3. Notice of the special meeting must be mailed or delivered to the media and posted 24 hours in advance of the meeting.

4. A special meeting may be called by either the president of the board or a majority of the board.

E. Emergency Meetings [Government Code Section 54956.5.]

1. Emergency is defined as:

   a. A work stoppage; or

   b. A crippling disaster which impairs the public health, safety or both as determined by a majority of the board.

2. At least one hour notice to the media.

3. No closed session.

F. Agendas

1. An agenda must be conspicuously posted at least 72 hours prior to the time of regular meetings in a location freely accessible to members of the public. [Government Code Section 54954.2(a).]

2. A board may not change its posted agenda within the 72-hour period preceding a regular meeting unless one of the following exceptions applies:

   a. A majority determines that an emergency exists pursuant to Government Code Section 54956.5;

   b. A two-thirds vote of the board determines that there is a need to act immediately and the need to take action came to the district's attention after the posting of the agenda;

c. The item was previously posted for a meeting occurring not more than five days prior to the meeting when the action is taken, and at the prior meeting the item was continued to the meeting where action was taken. [Government Code Section 54954.2(b)]

If no exception applies, the board must either postpone consideration of the item for at least 72 hours or call and notice a special meeting.

3. The agenda must reasonably apprise the public of the matters to be considered in sufficient detail to allow the public to determine whether to participate at the meeting. [Carlson v. Paradise Unified School District, 18 Cal.App.3d 196, 95 Cal.Rptr. 650 (1971)] (Action taken pursuant to a defective agenda may be void.)

   The 1993 Amendments to the Act require that the agenda contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A "brief general description" of an item generally need not exceed 20 words.

4. The 1993 Amendments not only continue the prohibition of action or discussion on non-agenda items, but impose limitations on board members' responses to public comments. [Government Code Section 54954.2(a).] In response to public comments Board members and staff may only:

   a. briefly respond to statements made or questions posed by persons making public comments;

   b. ask questions for clarification or make a brief announcement;

   c. provide a reference to staff or other resources for factual information;

   d. request staff to report back to the body at a later meeting; or

   e. direct staff to place the matter on a future agenda.

5. Agendas and other writings distributed for discussion or consideration at a public meeting are disclosable public records under the California Public Records Act (Commencing with Government Code Section 6250) and must be made available upon

request "without delay." This requirement does not apply to certain records made exempt from public disclosure by the Public Records Act. [Government Code Section 54957.5(a).]

a. Documents prepared by the district must be made available for public inspection at the meeting; documents prepared by any other person must be made available after the meeting. [Government Code Section 54957.5(b).]

b. Nothing in the Act prevents the district from charging a fee or deposit for a copy of a public record as authorized by the Public Records Act. [Government Code Section 6257.]

G. Public Participation
[Government Code Section 54954.3 and Education Code Sections 35145.5 and 72121.5.]

1. Members of the public must be allowed to place matters directly related to district business on the agenda.

2. Members of the public must be able to address the board regarding items on the agenda before or during the governing board's consideration of the item.

3. Every regular meeting agenda shall provide an opportunity for members of the public to address the board on any item of interest to the public, within the subject matter jurisdiction of the board.

   - No action shall be taken until the matter is properly noticed on an agenda or an exception to the 72 hour rule is established.

   - Every notice of a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item before or during consideration of that item. [Government Code Section 54954.3(a)]

   - Speakers may be restricted to matters withing the subject matter jurisdiction of the district. In 78 Ops. Atty. Gen. 224 (1995) the Attorney General concluded that it was appropriate to prohibit public comment regarding the personal life of one of the members of the legislative body.

4. The board may adopt reasonable rules and regulations in order to ensure the proper functioning of the meeting. [75 Ops.Atty.Gen. 89 (1992); White v. City of Norwalk, 900 F.2d 1421 (9th Cir. 1990); and Kindt v. Santa Monica Rent Control Board, 67 F.3d 266 (9th Cir., 1995) (Regulations governing when the public may address the board are reasonable content-neutral time, place and manner restrictions.]

5. The 1993 Amendments to the Act include the following limitation:

   > The legislative body . . . shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. [Government Code Section 54954.3(c).]

   a. Under this provision, only statements that are defamatory as a matter of law could be ruled out of order at a board meeting.

   b. This provision raises concerns relating to privacy and reputation issues for public employees.

   c. This provision will require boards to make immediate legal decisions with respect to the propriety of various statements, and impose on districts additional legal expenses.

6. Minutes shall be taken recording all actions taken by the governing board. The minutes are public records. [Education Code Sections 35145(a) and 72000(d)(4).]

7. No action may be taken by secret ballot. [Government Code Section 54953(c).]

8. Video teleconferencing is permitted only for receipt of public comment or testimony and for deliberations of the legislative body. [Government Code Section 54953(b).]

9. Any person attending a public meeting has the right to record the meeting by still or motion picture camera, or by video or audio tape, absent a finding by the board of persistent disruption of the proceedings. [Government Code Section 54953.5(a).]

10. A board may not prohibit or restrict the broadcast of its proceedings. [Government Code Section 54953.6.]

11. Any tape or film recording made by or at the direction of the board shall be subject to inspection pursuant to the Public Records Act, but may be destroyed or erased 30 days after the taping or recording. Any inspection of a video or audiotape recording shall be provided without charge on a tape recorder made available by the district. [Government Code Section 54953.5(b).]

VI. CLOSED SESSION

A. Government Code Section 54957 authorizes a board to meet in closed session for the following purposes:

1. Consideration of the appointment, employment, evaluation of performance, discipline or dismissal of an employee.

    a. This exception permits boards to meet in closed session to discuss hiring, firing, intermediate discipline, and evaluation of particular employees. [Lucas v. Board of Trustees, 18 Cal.App.3d 988, 96 Cal.Rptr. 431 (1971).]

    b. Discussion must relate to a particular individual.

    c. Closed sessions held pursuant to this section shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

2. Consideration of charges brought against a public employee by another person or employee unless such employee requests a public hearing.

    - As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee must be given written notice of his or her right to have the complaints or charges heard in open session. The notice must be delivered to the employee personally or by mail 24 hours before the time for holding the session. If notice is not given, any action against the employee based on the specific complaints or charges shall be null and void.

- The Attorney General has concluded that absent special circumstances, when members of a school district governing board discuss whether to employ a probationary certificated employee for a third consecutive school year, the board is not hearing specific complaints or charges, and the employee may not require that the discussion be held in public. 78 Ops. Atty. Gen. 218 (1995).

- The term "employee" is defined to include an officer or independent contractor who functions as an officer or an employee.

3. Consideration of matters concerning national or public security.

B. Other Authority for Closed Sessions

1. A board may hold a closed session, based on the advice of counsel, to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the district in the litigation. [Government Code Section 54956.9.]

   a. Litigation is pending when any of the following circumstances exist:

      (i) Proceedings before a court, administrative body, hearing officer, or arbitrator to which the district is a party, have been formally initiated.

      (ii) A point has been reached where in the opinion of the Board on the advice of legal counsel, and based on existing facts and circumstances that there is a significant exposure to litigation.

      (iii) Deciding whether to litigate or whether closed session is proper based on existing facts and circumstances.

   b. The "significant exposure" to litigation determination must be determined from the "existing facts or circumstances." "Existing facts or circumstances" consist of only one of the following:

      (i) Facts and circumstances that might result in litigation but which the district believes are not known to the potential plaintiff.

(ii) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the district and that are known to the plaintiff. These facts shall be publicly stated on the agenda or announced.

(iii) Receipt of a tort claim or other written communication threatening litigation, which claim or communication shall be made available for public inspection.

(iv) A statement made by a person in a public meeting threatening litigation on a specific matter within the agency's area of responsibility.

(v) A statement threatening litigation outside of a public meeting on a specific matter within the responsibility of the agency so long as the official or employee of the agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting and the record is made available for public inspection.

c. The board must state either on the agenda or publicly announce the authority for the closed session and, when known, the title of the case.

2. Consideration of student disciplinary action unless a public hearing is requested in writing [Education Code Sections 35146 and 72122] and challenges to a student's records. [Education Code Sections 49070(c) and 76232(c).]

3. A board may hold closed session pursuant to Government Code Section 54957.6 with its designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to represented and unrepresented employees, and for represented employees, any other matter within the scope of representation. [Government Code Sections 3549.1 and 54957.6; See also, San Diego Union v. City Council, 146 Cal.App.3d 947, 196 Cal.Rptr. 45 (1983).]

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed session held pursuant to Section 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees.

4. Consideration of real property transactions. This exception permits a board to meet with its negotiator prior to purchase, sale, exchange, or lease of real property to grant authority to its negotiator regarding the price and terms of the transaction. Before discussing the transaction in closed session, the board must identify the real property at issue and the person with whom its negotiator may negotiate. [Government Code Section 54956.8.]

5. Districts which are members of a joint powers agency formed for the purpose of insurance pooling may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses or workers' compensation liability. [Government Code Section 54956.95.]

6. Consideration of honorary degrees or gifts from a donor who wants to remain anonymous. [Education Code Section 72122.]

C. The right to consider the above matters in closed session, generally includes the ability to take action in closed session. [75 Ops.Atty.Gen. 14 (1992).]

D. Effective April 1, 1994, the Brown Act requires a brief, general description of each item of business to be transacted, including items to be discussed in closed session. What this means with respect to closed sessions is somewhat ambiguous. However, the 1993 Amendments to the Act, Section 54954.5, provide a "safe-harbor" provision, such that substantial compliance with its suggested language will prevent a finding of a violation of the Act's closed session notice requirements. Examples of the suggested language include the following:

   1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

      a. Property: (specify the street address, or if no street address, the parcel number or other unique reference to the property under negotiations.)

b. Negotiating parties: (specify the name of the negotiating party - not the agent.)

c. Under negotiation: (specify whether the instructions to the negotiator will concern price, terms of payment, or both.)

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

a. Name of case: (specify by reference to claimant's name, names or parties, case or claim numbers.)

b. Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations.)

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

a. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify the number of potential cases.)

(In addition to the information noticed above, the district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), of paragraph (3) of subdivision (b) of Section 54956.9.) This may mean stating the existing facts and circumstances giving rise to a significant exposure to litigation against the district.

b. Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify the number of potential cases.)

4. LIABILITY CLAIMS [GOVERNMENT CODE SECTION 54956.95]

a. Claimant: (Specify name unless unspecified pursuant to Section 54961.)

b. Agency claimed against: (Specify name.)

5. THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer.)

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6. PUBLIC EMPLOYEE APPOINTMENT

Title (Specify description of position to be filled.)

7. PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled.)

8. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed.)

9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

No additional information is required to consider discipline, dismissal or release of a public employee. Discipline includes potential reduction of compensation.

10. CONFERENCE WITH LABOR NEGOTIATOR

    a. Agency negotiator: (Specify name.)

    b. Employee organization: (Specify name of organization representing employees or employees in question.)
    or
    Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations.)

E. Prior to holding a closed session, the Board must disclose in an open meeting, the items to be discussed in closed session. The announcement can either repeat all of the information already stated on the agenda or it may simply refer to the items as they are listed on the agenda by number or letter.
[Government Code Section 54957.7.]

Nothing in Section 54957.7 shall require or authorize a disclosure of information prohibited by state or federal law.

F. After any closed session the Board must reconvene in open session prior to adjournment and make the disclosures required by Government Code Section 54957.1. The board must report any action taken in closed session and the vote or abstention of every member present thereon as follows:

1. Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported as follows:

    a. If the board's approval renders the agreement final then it must report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held;

    b. If final approval rests with the other party, the board shall disclose the fact of approval and the substance of the agreement upon inquiry by any person as soon as the other party approves the agreement.

2. Approval given to legal counsel to defend, or seek or refrain from seeking appellate review or relief, or enter as amicus curiae in any form of litigation as a result of a consultation under section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify the adverse party, and the substance of the litigation.

3. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the particulars will be disclosed upon request once the litigation is formally commenced, unless to do so would jeopardize the agency's ability to complete service of process, or jeopardize the ability to conclude existing negotiations.

4. Approval given to a settlement of pending litigation shall be reported after the settlement is final as specified below:

    a. If the board accepts a settlement offer signed by the opposing party, the board shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

    b. If final approval rests with the other party or the court, the board shall disclose the fact of approval and the substance of the agreement upon inquiry by any person as soon as the settlement becomes final.

5. Disposition of claims discussed in closed session pursuant to Section 54956.95 must be reported as soon as reached. The board must identify the name of the claimant, the local agency claimed against, the substance of the claim, and the amount of any settlement.

6. Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported at the public meeting at which the closed session is held. The report must identify the title of the position.

   However, the report of a dismissal or of the non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

7. Approval of an agreement concluding labor negotiations pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other parties to the negotiation.

G. Making the required reports.

1. The reports may be made either orally or in writing. [Government Code Section 54957.1(b).]

2. The board must provide to any person who has submitted a written request to the board within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. [Government Code Section 54957.1(b).]

   If the action taken results in one or more substantive amendments to the related documents requiring retyping during normal business hours, the documents need not be released until the retyping is completed, provided that the presiding officer of the legislative body or his designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

3. In addition, the documents referred to above shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete. [Government Code Section 54957.1(c).]

4. No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section. [Government Code Section 54957.1(e).]

VII. ENFORCEMENT OF THE BROWN ACT

A. Each member of a board who attends a meeting of the board where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.
[Government Code Section 54959.]

   1. Action taken is defined to include "collective commitment." Mere deliberation of some action will not trigger the criminal penalty.
   [Government Code Section 54952.6.]

   2. Good faith reliance on an opinion of counsel that a closed meeting is proper, normally would preclude a finding that of "wrongful intent to deprive the public of information." [See, Attorney General Index letter 76-173 interpreting pre-amendment language.]

B. Civil Remedies - actions in the form of injunction, mandamus or declaratory relief.

   1. Remedies are available to prevent future or further violations of the Brown Act; or to determine the applicability of the Act to actions or threatened future action of the board; or to determine the validity under the laws of the state or the United States of any rule or action of the board to penalize or otherwise discourage the expression of one or more of its members; or to compel the board to tape record its closed sessions.
   [Government Code Section 54960.]

      a. A court may impose the requirement that closed sessions be taped if it finds that the board has violated the statutes authorizing closed sessions.

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   b. Tape recordings of closed session will be discoverable under very limited circumstances.

2. Violations of the meeting notice and agenda provisions may result in having action taken adjudged null and void. Such actions may be commenced by the district attorney or by any interested person. [Government Code Section 54960.1.]

   a. Prior to commencing such an action the interested person or the district attorney must demand in writing that the board cure or correct the alleged violation.

   b. The written demand shall be made within 90 days unless the action was taken in an open session but in violation of the agenda requirements, in which case the demand must be made within 30 days from the date the action was taken.

   c. Suit must be brought within 15 days of the board's decision as to whether it will cure or correct or within 15 days after the expiration of the 30-day period to cure or correct demand, whichever is earlier. Even after a lawsuit is filed the board may cure and correct and have the lawsuit dismissed.

   d. Successful plaintiffs are entitled to their attorney's fees. Boards may recover attorney's fees only where the lawsuit is frivolous and without merit. [Government Code Section 54960.5.]

COMMUNITY COLLEGE LEAGUE OF CALIFORNIA

NEW TRUSTEES ORIENTATION

FEBRUARY 3, 1996

CONFLICTS OF INTEREST
FOR COMMUNITY COLLEGE BOARD MEMBERS

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CONFLICTS OF INTEREST FOR SCHOOL BOARD MEMBERS AND EMPLOYEES

I. INTRODUCTION

California has two distinct, and often very confusing, sets of laws governing conflicts of interest of public officers and employees. The first, and most restrictive statutes, are the general conflict of interest laws found at Government Code sections 1090, *et seq*. The second is found in the Political Reform Act, at Government Code sections 81000, *et seq*. It is important that all public officers and employees be aware of these laws and their implications, which include criminal prosecutions and bars from holding further public office. The basic intent of both sets of statutes is to avoid even the "appearance of impropriety."

II. GOVERNMENT CODE SECTIONS 1090, *ET SEQ*.

Government Code section 1090 is the broadest conflict of interest provision applicable to school officers and employees. It states:

> Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.
>
> As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. (Emphasis added.)

This law, and the Political Reform Act **prohibit financial interests** by public officers and employees in contracts made by them in their official capacities. Neither set of laws prohibits non-financial interests, such as the signing of a contract with a friend of a board member where the board member has no financial interest. While such an action might not be wise or politically prudent, it is not necessarily illegal.

"The critical test for determining whether Section 1090 has been violated is whether an officer or employee has participated in the making of a contract in his or her official capacity." *Millbrae Assn. for Residential Survival v. City of Millbrae* (1968) 262 Cal.App.2d 222, 237 [66 Ops. Cal. Atty. Gen. at 160161]. "[T]he statute not only strikes at situations that do involve actual fraud and dishonesty but also at those in which such is absent but in which the possibility exists nonetheless for personal influence of an interested [officer] to be brought to bear, either directly or indirectly, on an official decision. [Citations.]" (66 Ops. Cal. Atty. Gen. at 160, fn. 3).

Under Section 1090, if a board member has a financial interest in a contract before the board, **abstention** is **insufficient** to cure the conflict. The board member **must resign** from the board before consideration of the matter, or the contract cannot be signed. One member's interest taints the entire board. Further, a "contract made by them in their official capacity" is not limited to the final vote on the contract or the signing of the agreement. Rather, it includes "the negotiations, discussions, reasoning, planning and give and take which goes on beforehand in the making of the decision to commit oneself." *Stigall v. City of Taft* (1962) 58 Cal.2d 565, 569 [25 Cal.Rptr. 441, 443 (in bank)].

In *People v. Sobel* (1974) 40 Cal.App.3d 1046, 1052, the court outlined the broad reach of Section 1090:

> The decisional law, therefore, has not interpreted section 1090 in a hypertechnical manner but holds that an official (or a public employee) may be convicted of violation no matter whether he actually participated personally in the execution of the questioned contract, if it is established that he had the opportunity to, and did, influence execution directly or indirectly to promote his personal interests.

A. Public Officers Covered By Section 1090

In applying the terms of Section 1090, not only school board members and employees are covered. Committee and commission members are also covered. There are only two requirements for a "public office": first, a **tenure** of office which is **not transient**, occasional, or incidental but is of such nature that office itself is an entity in which incumbents succeed on another and which does not cease to exist with termination of incumbency; and second, the **delegation** to the officer of some portion of **sovereign functions** of government either legislative, executive, or judicial. *City Council of City of San Diego v. McKinley* (1978) 80 Cal.App.3d 204 [145 Cal.Rptr. 461].

For example, the attorney general determined that a member of the San Francisco Art Commission who was an architect at a firm who had submitted a bid for a new wing at the San Francisco Airport had to resign before the Commission could even approve the wing's design (even though the Commission was not responsible for awarding the contract). 77 Ops. Cal. Atty Gen. 112 (1994).

B. Exceptions

Two classes of exceptions exist to the broad statements of Section 1090. Section 1091 lists **"remote interests"** of officers or employees that do not require resignation of an officer or employee. If the conflict falls into one of the twelve categories, the officer is required only to disclose his or her interest to the board, the interest must be noted in the official records, and the board must act without the vote of the member with the remote interest. Essentially, the member must abstain from all participation in the matter. One "remote interest" is "[t]hat of a parent in the earnings of his or her minor child for personal services."

The second set of exceptions are called **"noninterests,"** where the officer or employee is not even required to disclose his or her interest (except in certain situations) or abstain. Section 1091.5 includes as a noninterest "[t]hat of a spouse of an officer or employee of a public agency in her or her spouse's employment or officeholding if his or her spouse's employment or officeholding has existed for at least one year prior to his or her election or appointment."

C. Penalties And Effect On Contract

The penalty for violations of these conflict of interest laws is severe, **up to a $1,000 fine** or up to **one year imprisonment** (Section 1097). Further, the individual is "forever disqualified from holding any office in this state."

Contracts that constitute a **violation** of the conflict of interest provisions **are considered void**. It is unnecessary to show either fraud or loss to the governmental agency, or direct financial interest in the transaction. Therefore, where a board member is also an employee of a private corporation, a contract entered into by the District to purchase goods from the corporation is void, and the money paid to the corporation may be recovered. See, e.g. *Thomson v. Call* (1985) 38 Cal.3d 633 [214 Cal.Rptr. 139].

III. POLITICAL REFORM ACT (GOVERNMENT CODE SECTIONS 87100, *ET SEQ.*)

The Political Reform Act covers a varied subject matter, including election finance and campaign disclosures. It addresses conflicts of interest for public officials beginning at Section 87100, which states:

> No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

A. Definition Of "Public Official"

"Public official" includes "every member, officer, employee or consultant" of a local agency. A "financial interest" exists "if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family" or on specific property or interests an official might have (Section 87103).

B. Differences Between Act And Section 1090

The most **important difference** between the Act and Section 1090 is that **under the Act**, the officer with the conflict of interest is **only required to abstain** from participating in the making of the decision. Thus, the **Act is far less restrictive** than Section 1090, which requires that the officer resign from the board.

Unlike under Section 1090, a prohibited financial interest under Section 87100 does not bar the board from acting. The official with the financial interest may not participate in the decision making, but the board may still act. Further, Section 87101 permits an official with a prohibited interest to participate in the making of a governmental decision "to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section." If a quorum can be otherwise maintained, even if those members are not present at that time, the member's participation is not legally required. If the member with the prohibited interest does participate, he or she must describe on the record the nature of his or her financial interest in detail, and state the reason he or she must participate in the decision making.

C. Disclosure Requirements

Sections 87300-87313, inclusive, set forth the requirements that each public agency adopt a conflict of interest code. These codes require that designated officers and employees file annual financial statements regarding financial interests that reach or exceed certain levels in specified categories.

Section 87302 requires that each Conflict of Interest Code ("Code") must contain the following provisions:

1. Enumeration of the positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.

2. For each such position, the specific types of **investments, business positions, interests in real property,** and sources of **income** which are reportable must be enumerated as well.

3. An investment, business position, interest of real property, or source of income **must be reported** under the Code **if** the business entity in which the investment or business position is held, the interest in real property, or the income or source of income **may foreseeably be affected materially by any decision** made or participated in by the designated employee by virtue of his or her position.

4. The information disclosed with respect to reportable investments, interests in real property, and income must contain:

a. A statement of the **nature** of the investment or interest;

b. The **name** of the business entity in which each investment is held, and a **general description** of the business activity in which the business entity is engaged;

c. The addresses or other precise **location** of the real property (real property does not include the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer);

d. A statement whether the **fair market value of the investment or interest in real property** equals or exceeds $1,000 but does not exceed $10,000, whether it exceeds $10,000 but does not exceed one $100,000, or whether it exceeds one hundred thousand dollars ($100,000).

e. For income, the **name and address of each source of income** aggregating $250 or more in value, or $50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

f. A statement whether the aggregate value of income from each source, or in the case of a **loan, the highest amount owed** to each source, was at least $250 but did not exceed $1,000, whether it was in excess of $1,000, but was not greater than 10,000, or whether it was greater than $10,000;

g. A description of the **consideration**, if any, for which the income was received;

h. In the case of a gift, the **amount** and the **date** on which the **gift was received**;

i. In the case of a **loan**, the **annual interest rate** and the security, if any, given for the loan;

j. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported under this article, the statement must contain the information required under Government Code section 87207(b).

5. An **initial statement** must be filed by each designated employee **within 30 days** after the effective date of the Code, disclosing the required information during the 12 months before the effective date of the Code. Thereafter, each new designated employee must file a statement within 30 days after assuming office.

6. Each designated employee must file an **annual statement**, at the time specified in the Code, disclosing income held or received at any time during the previous calendar year or since the date the

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designated employee took office if during the calendar year.

7. For each designated employee who **leaves office**, they must file, within 30 days of leaving office, a statement disclosing reportable information during the period between the closing date of the last statement required to be filed and the date of leaving office.

8. The Code must contain specific **provisions** setting forth any circumstances under which designated employees **must disqualify** themselves from making, participating in the making, or using their official position to influence the making of any decision. Disqualification must be required by the Code when the designated employee has a financial interest which may reasonably materially affect the decision.

9. No designated employee must be required to disqualify him/herself with respect to any matter which could not legally be acted upon or decided without his/her participation.

10. The Code must contain provisions for those who resign from their positions, pursuant to Government Code section 87032(d).

11. The Code must be reviewed no later than July 1 of each even-numbered year.

The Fair Political Practices Commission has adopted detailed and voluminous regulations interpreting these sections. These regulations, far too lengthy to set forth, are an attempt to address the most frequent factual patterns that may arise.

The penalties for violation of these provisions include criminal penalties as a misdemeanor, fines up to $10,000 or three times the amount the official failed to report or received (Section 91000), loss of job (for employees) (Section 91003.5), and prohibition from holding office for four years (Section 91002). Civil enforcement actions may also be brought.

IV. EMPLOYEES AND HOLDING ELECTIVE OFFICE

Ordinarily, those who are employed with the District must resign if they are elected or appointed to the Governing Board. (Ed. Code sections 35107; 72103) However, Education Code section 72103(b), pertaining only to community college districts, provides that there is no conflict for individuals "usually employed in an occupation other than teaching and also is employed part time by the community college district to teach no more than one course per semester or quarter in the subject matter of that individual's occupation."

V. PUBLIC AGENCY RIGHTS

The difficulty with the conflict of interest laws lies in the enforcement. While civil and criminal remedies exist to address prohibited actions that have already occurred, there is little law on what can be done to prevent such actions. If it is a board member with a conflict, the board, on its own, cannot prohibit that board member from participating in the action. The board's only recourse is to seek leave from the Attorney General to bring a *quo warranto* action. This was the route taken by the San Luis Coastal District when a teacher in the district was elected to the board. In that case, the Attorney General denied such leave. Since then, the district has brought a declaratory relief action, asking the court to define in which matters the board member/teacher may participate.

If a board believes that a member has a prohibited conflict, its best recourse, short of legal action, is to attempt to persuade the member not to participate, possibly using legal opinions or cases with similar factual situations. Ultimately, it is the individual board member's decision. If it is a prohibited conflict under Section 1090, the board might have to consider not taking any action rather than have it voided.

VI. PROVISIONS RELATING TO FAMILY MEMBERS AND RECENT LEGISLATION

BOARD MEMBER'S CONFLICTS OF INTEREST REGARDING EMPLOYMENT OF RELATIVES

GOVT CODE § 1090 - COMPLETE BAR (NECC)
GOVT CODE § 1091 - REMOTE INTERESTS
GOVT CODE § 1091.5 - NON-INTERESTS

RELATIONSHIP	RESULT
SPOUSE	If the employee is hired more than one year before spouse assumes office: 1. Board member is deemed to have no interest (Govt. Code § 1091.5(a)(b) 2. Board member may vote on any matter except spouse's promotion (69 OPS.CAL.ATTY.GEN. 102, 110 Fn.7, (1986) 73 OPS CAL.ATTY.GEN.191 (199)) 3. Although not legally required to do so, we suggest that the board member and the board proceed as follows in these situations: a. disclose interest to board at a public meeting b. note that interest in the board's minutes c. have the board authorize, approve, ratify action (normal procedures) d. have the board member abstain from the vote

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RELATIONSHIP	RESULT
SPOUSE (continued)	If the employee is hired less than one year before spouse assumes office: 1. Board member has standing conflict of interest and may not vote on any matter affecting spouse (Govt. Code § 1091.5(a)(6) 2. Board member's spouse may not be hired by District while Board member holds office
MINOR CHILD:	Board member has "remote interest" and must: a. disclose interest to the board at a public meeting b. have interest noted in board minutes c. have board authorize, approve, ratify action (normal procedures) d. abstain from the vote Govt. Code § 1091(b)(4) "Rule of Necessity" allows that the interested board member to be counted as quorum if necessary, and may only vote if necessary to create a majority vote but may not vote to break a tie. (Govt. Code § 87101, CCR, Title 2, § 18701
ADULT CHILD	1. No interest 2. Board Member may vote on any matter (21 OPS. CAL.ATTY.GEN. 228)
OTHER RELATIVES	1. No interest 2. Board member may vote on any matter (21 OPS.CAL.ATTY.GEN. 228)

In addition to the two main conflict of interest provisions in the Government Code, the Governor recently signed Assembly Bill 34, which will amend Education Code section 35107 effective January 1, 1996. In the applicable provision, the amendment states:

> A member of the governing board of a school district shall abstain from voting on personnel matters that uniquely affect a relative of the member but may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. For purposes of this section "relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

VII. CONCLUSION

The conflict of interest laws can be a minefield for the unwary or incautious. When an officer or employee believes his or her action may violate the Political Reform Act, he or she may seek an opinion from the FPPC, though long delays are common in such cases. When in doubt, legal advice should be sought or the action should not be taken. The courts have repeatedly stated that the conflict of interest laws are not limited by their strict terms, but are also intended to address the "appearance of impropriety." The California Supreme Court has stated:

> The statute is thus directed not only at dishonor, but also at conduct that tempts dishonor. This broad proscription embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government. To this extent, therefore, the statute is more concerned with what might have happened in a given situation than with what actually happened. It attempts to prevent honest government agents from succumbing to temptation by making it illegal for them to enter into relationships which are fraught with temptation.

Stigall v. City of Taft (1962) 58 Cal.2d 565 [25 Cal.Rptr. 441 (in bank)].

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RULES FOR USING YOUR ATTORNEY

1. Allow your attorney sufficient lead time to provide you with advice on a question.

2. Tell your attorney all the facts, the good news as well as the bad.

3. Ask questions of your attorney as a Board or as the Board's designee.

4. Seek legal counsel early with a problem - allow your attorney to practice preventive law.

5. Accept and expect realistic assessments of your legal position.

6. Use your attorney as a resource, not a decisionmaker.

7. You are an official of a public agency - generally the best legal advice is conservative when dealing with the public trust.

8. Corollary to 7. - Don't be afraid to ask your attorney for options and the risks involved.

9. You are an official of a public agency - look for long-term solutions, not "wins" and "losses."

10. If the stakes are high, get legal advice in writing.

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10.1 EMPLOYMENT REGULATIONS and DEFINITIONS

Boards are responsible for providing leadership to ensure a positive climate for healthy employer-employee relationships. Boards, themselves, have only one employee — the chief executive officer. However, through the policies they develop and the goals they set, they affect all employees. The board role in maintaining good employer-employee relations includes:

- seeking faculty and staff advice and recommendations as policy is developed
- ensuring that selection, evaluation and dismissal procedures are legal, fair, clear and appropriate
- ensuring there are provisions for employee recognition and growth
- providing for appropriate interaction with the board
- establishing a high priority for and valuing diversity
- establishing positive processes for collective bargaining and dispute resolution.

The following was adapted from a chapter by Maria C. Sheehan, then Vice Chancellor, Human Resources, California Community College Chancellor's Office, first published in ACCCA's Administrators Handbook. That office also prepares and distributes a guide for trustees on affirmative action policies.

AB1725 contained many reforms dealing with critical employment issues. With the sunset of the state credential process July 1, 1990, came the new system of minimum qualifications for hiring all academic employees. AB1725 also allows for an equivalency determination to minimum qualifications, which is also explained in this section. There were also changes in the manner and frequency of evaluation in AB 1725, which are summarized, as well as the new system for establishment of faculty tenure. This section covers definitions and regulations related to faculty and administrative hiring in the community colleges.

Minimum Qualifications

Because "junior" colleges originated from school districts in California, credentials were required for their instructors and administrators. Until 1970, credentials were issued by the State Board of Education. From 1970 to 1990, they were issued by the Board of Governors of the California Community Colleges. Districts could lose state apportionment for courses if auditors determined the instructor was not properly credentialed.

Because many thought that credentials were inappropriate for a segment of higher education, they were eliminated by AB1725. The Chancellor's Office Credentials Section was closed about a year after that. Credentials are no longer issued, renewed, or extended; however, holders of existing credentials authorizing community college service retain the right to serve under the terms of their credentials, according to Education Code Section (ECS) 87355.

Minimum qualifications are set by the Board of Governors in Title 5, Section 53400 and following. (EOPS qualifications are in Section 56260 and following.)

For academic disciplines, the minimum qualifications are a master's degree in the discipline of the assignment, or a bachelor's degree in the discipline of the assignment and a master's degree in a reasonably related assignment.

Assignments in the humanities, natural sciences, social sciences, and fine arts generally fall into this category, as do a number of technical disciplines, such as engineering, home economics, nursing, dietetics, accounting and business management.

Counselors and librarians are also expected to hold appropriate master's degrees. There are special requirements for employees of Disabled Students Programs and Services (DPSP&S) and Extended Opportunity Programs and Services (EOPS).

For disciplines in which a master's degree is not generally expected nor available, the minimum qualifications are a bachelor's degree (with any major) and two years of experience in the occupational area of the assignment, or an associate degree (with any major) and six years of experience in the occupational area of the assignment. If a license or certificate is required to work in the occupation, then the instructor must hold a current license or certificate, valid in California. Assignments that fall into this category are generally in technical, trade or industrial fields.

For educational administrators, the minimum qualifications are a master's degree (in any discipline), and one year of formal training, internship, or leadership experience reasonable related to the administrative assignment.

Internships

Districts have authority (Title 5 Section 53500 and following) to establish internship programs for recruitment purposes. Under these programs, they may hire graduate students as part-time faculty, as long as the graduate student is assigned a mentor and meets some other requirements.

Role of the Senate: Discipline Lists

The Academic Senate plays an important role in minimum qualifications. The Board of Governors is required to rely primarily on the advice and judgement of the statewide Senate in setting minimum qualifications; in addition, the Senate is responsible for recommending to the Board a list of academic degrees "reasonably related" to one another for minimum qualifications purposes, and a list of the disciplines in which the master's degree is not generally expected nor available.

The disciplines lists were initially developed by the Senate and adopted by the Board in July 1989. The master's-level disciplines lists contains 59 headings and the non-master's list contains 136. The placement of courses within the disciplines for minimum qualifications purposes is locally determined, but according to Title 5 Section 53200, it must be a subject for "collegial consultation" with the local academic senate.

Review of Minimum Qualifications

The Academic Senate plans to comprehensively review the disciplines lists and other aspects of minimum qualifications every three years. The Chancellor's Office performs a review every three years, with the assistance of an advisory group including representatives of faculty, administrators, trustees, and students (ECS 87357). The first review culminated in spring 1993. Results and recommendations are presented to the Board of Governors.

Compliance of individual districts with the minimum qualifications rules is also supposed to be periodically monitored by teams convened by the Chancellor's Office (ECS 87358).

Equivalency

Authority and Purpose

ECS 87359 authorizes districts to hire persons who do not meet the statewide minimum qualifications, as long as they possess "equivalent" qualifications. The intent includes:

- to accommodate candidates with superior personal accomplishments, such as eminent artists or scientists who do not possess the formal degrees;
- to enable consideration of persons with degrees other than those listed in the disciplines list;

- to provide flexibility for colleges to meet special hiring situations, such as in emerging disciplines, or in geographically isolated areas, or other recruitment problems.

Shared Responsibility

The process and the criteria used to determine equivalency must be developed and agreed upon jointly by the local governing board and academic senate. It must ensure that the academic senate plays a primary role in determining equivalency. The local board retains the final say in equivalency determinations, but if one is made contrary to the advice of the senate, the record must reflect the senate's views.

Statewide Senate Model

The statewide Academic Senate has published "Equivalency to the Minimum Qualifications: A Position Paper and Model," which has had significant influence on many district's policies. This paper takes the view that candidates must demonstrate all the specific skills and knowledge required for the master's degree specified on the discipline's list — both the general education portion of the degree, and the course requirements for the major.

Compilation of Policies

The Chancellor's Office has compiled and published the equivalency policies of most districts. The compilation reveals great differences in the process and criteria applied in various districts. In some districts, all equivalency determinations are made by selection committees; in a few districts, all equivalencies go to a special committee; but in most, a role in equivalency is assigned both to the selection committee and to a special review committee. Many districts have adopted a set of "pre-established equivalency criteria," which may, for instance, allow substitution for teaching experience for occupational experience, or allow consideration of a candidate with a bachelor's plus professional experience for disciplines in which a master's is normally required.

Questions about Equivalency

The following answers are based on the Chancellor's Office best interpretation of existing law, including the "Permissive Code" (ECS 70902[a]) and non-discrimination law.

- Can we have different equivalency criteria for full-time and part-time faculty? The law requires that no person serve unless he or she is determined to have qualifications that are at least equivalent to the statewide minimums. As long as this requirement is met, it is not illegal to have equivalency policies that are more lenient or strict depending on the nature of the position being filled.
- Can equivalency criteria vary across departments? There is no reason why not, as long as the variations have a reasonable rationale and are jointly agreed upon by the governing board and academic senate.
- Are equivalency determinations preferential? the maximum possible effort should be made toward consistency in determining equivalencies. Every applicant should receive the benefit of any "pre-established" equivalencies. Individual equivalency determinations should be reserved for unique circumstances, such as eminence. By definition, each such judgement will be different, but any guidelines or principles, formal or informal, that are used to decide one individual's request should thereafter be used for all individuals in similar circumstances.
- May an equivalency be granted only for one course or a limited number of courses, rather than the whole discipline? This is an open question. The statewide Academic Senate takes a position against such a practice. However, it could be viewed as authorized under the

Permissive Code, and a number of districts are doing it. The question will be reviewed during the general review of minimum qualifications.

Required Documentation

ECS 87359 requires that the criteria used in determining equivalency be reflected in the hiring action taken by the governing board. This means that it is important to have an equivalency determination form in the personnel file of every person who is hired through equivalency. The form should include the specific grounds for the termination, the date of the determination, and the names and signatures of those who made the determination.

Faculty and Administrator Evaluation

Types and Frequencies

There are three types of faculty evaluation (ECS 87663):

- Probationary tenure-track faculty must be evaluated at least once each academic year.
- Temporary (part-time) faculty must be evaluated in the first year of employment, and thereafter at least every three years.
- Regular (tenured) faculty must be evaluated at least every three years.

Purposes

AB1725 states that "The evaluation process should be effective in yielding a genuinely useful and substantive assessment of performance.... The principal purposes of the evaluation process are to recognize and acknowledge good performance, to enhance satisfactory performance and help employees who are performing satisfactorily further their own growth, to identify weak performance and assist employees in achieving needed improvement, and to document unsatisfactory performance." The intent language also says that evaluation should be linked to staff development.

Negotiability

Aside from the elements required by law, all other specifics regarding the procedures to be used for faculty evaluation are subject to collective bargaining where applicable, according to both the Government Code and the Education Code. But exclusive representatives must consult with academic senates prior to engaging in bargaining on the subject (ECS 87663).

Student Evaluations

The Education Code states an intent that student evaluations be included as part of faculty evaluation, "to the extent practicable." Some of the considerations regarding student evaluations are: 1) A psychometrically tested and validated instrument should be used, if possible. Homemade questionnaires often produce unintended bias. 2) Procedures should be used that protect confidentiality and prevent identification of individual student responses. 3) Results should be aggregated and compared to a normative standard if possible.

Peer Evaluations

The Education Code specifies that "Evaluations shall include, but not be limited to a peer review process...on a departmental or divisional basis." The review process must also be sensitive to affirmative action concerns. Faculty peers are generally included as part of an evaluation committee which includes faculty and administrators. Peers may evaluate the faculty member's classroom performance (through observations), his or her course materials and tests, his or her professional activities, and other review criteria. However, community colleges are not intended to develop a closed or secret peer review system such as is used in some universities. For part-time instructors, peer review means that full-time faculty should be involved in evaluations. Self-evaluation may also be used.

Typical Criteria

Some possible review components are:

- classroom skills.
- student relationships.
- course and curriculum materials.
- student evaluations.
- professional development.
- college service, and
- public service.

Administrator Evaluation

ECS 87663 requires that governing boards have written procedures for evaluating administrators. Besides stating an intent that these include faculty evaluation "to the extent possible," the law does not specify their content or frequency. The Educational Policies Committee of the Academic Senate has developed a comprehensive model for academic administrator evaluation.

Tenure

Rationale for Tenure

The traditional view is that academic tenure exists "in order that society may have the benefit of honest judgement and independent criticism which otherwise might be withheld because of fear of offending a dominate social group or transient social attitude." In public institutions tenure also serves, like civil service job protection, to make public service more attractive. However, AB1725 intent language states that "A person should be granted tenure as a faculty member only after it has been determined through a process of evaluation that he or she is, and will likely continue to be, a positive asset to the community college."

Tenure Period

AB 1725 doubled the faculty probationary period from two years to four years. The new provisions apply to instructors hired on or after July 1, 1991. Tenure-track faculty who have not yet attained tenure are called "contract employees" by law. At the end of the first year's contract, the local governing board may terminate the employee, enter into a second contract, or award tenure. (Early award of tenure is vary rare in community colleges.) At the end of the second year's contract, the board may terminate, enter into a third contract, or award tenure. The third contract must be a two-year contract. At the end of the third contract, or fourth year, the board must either terminate or award tenure. The tenured instructor is termed in law a "regular employee."

A contract employee is considered to have been through the first probationary year if he or she serves for at least 75 percent of the academic year. Thus, a faculty member hired in the spring term does not begin the first probationary year until the following fall.

Exemption for Part-Time Faculty

Pursuant to ECS 97482.5 a person who teaches not more than 60 percent of the hours per week considered a full-time assignment, shall remain a "temporary employee" and not enter the tenure track. Thus, part-time faculty never acquire tenure rights, and may be laid off according to the district's needs. Also, full-time substitutes may be employed for up to one year without acquiring status toward tenure, but if re-employed the following year they enter the tenure track as second-year contract employees. Service as a day-to-day substitute does not apply toward tenure-track status. It has also been suggested that a rule should be adopted that teaching contract education courses not be counted toward the "60 percent rule."

Tenure Evaluation

The Education Code requires that the governing board review evaluation reports before making a tenure decision. While tenure evaluation is bargainable, as are other types of evaluation, the Academic Senate has published a paper title "Towards a Model Four-Year Tenure Process," which includes a list of suggested standards for tenure evaluation. The list details numerous criteria for each of the following:

- classroom performance.
- respect for students.
- respect for colleagues.
- professional growth, and
- college and/or community service.

The Senate advocates that each tenure evaluation be conducted by an "Individual Tenure Review Committee," and that all recommendations be channeled to an "Institutional Tenure Review Committee" before proceeding to the governing board. This is a pattern reflected in many collective bargaining agreements. The law requires that the governing board receive the recommendations of the president of the college and the district superintendent.

Administrators and Tenure

AB1725 removed the automatic granting of tenure as faculty to administrators. Administrators now receive contracts, generally year to year, but they may be granted for a longer period. Tenure as faculty may be granted through locally-developed processes.

Due Process and Grievances

Despite the intent of AB1725 that tenure should never be "the result of default," the Education Code still provides that, if notice of a decision to terminate is not provided to the contract employee by March 15, then he or she is automatically re-employed or granted regular status. Aside from this requirement, due process rights for contract employees are governed by collective bargaining grievance procedures or by the Education Code (section 87610.1 and 87660 and following) and the Government Code. A faculty member who feels the district has violated any of its procedures, or has made a decision that "to a reasonable person was unreasonable," may request arbitration and an administrative hearing.

Some of the elements listed by one of the major faculty unions as considered necessary within a tenure review process for fairness to employees are:

- prompt notice in case of deficient performance, and a reasonable time period in which to improve;
- availability of remedial programs;
- access to all evaluative materials during evaluation;
- the right to respond in writing and to purge negative evaluations after a specified length of time, and to purge evaluations based on inaccurate information; and
- clear notice of the standards of performance before evaluation begins.

11.1 ABOUT THE LEAGUE

The Community College League of California is a nonprofit, public benefit, corporation whose voluntary membership consists of the 71 local community college districts in California. It was formed in 1990 as the result of a merger of the California Association of Community Colleges, the California Community College Trustees and the Chief Executive Officers of the California Community Colleges.

Within the League are two major organizations that share a common mission, staff, and fiscal resources: the California Community College Trustees (CCCT) and the Chief Executive Officers of the California Community Colleges (CEOCCC).

In addition, three other organizations are affiliated with the League and located in the League's Sacramento office: the Association of California Community College Administrators (ACCCA), the California Student Association of the Community Colleges (CalSACC) and the California Community College Classified Senate (CCCCS). ACCCA and CalSACC are located in the League's Sacramento office.

The League affiliated organizations have many goals and objectives similar to CCCT and CEOCCC and recognize that the sharing of facilities and some resources helps strengthen those common purposes. Yet it is also recognized that the League affiliate maintains total independence to pursue the objectives of its members which on occasion may be at variance with the positions taken by CCCT and CEOCCC.

The League serves the districts in five areas: education programs, research and policy analysis, governmental relations, communications, and governance of athletics.

The Boards of the League

The CCCT has a 21-member board of directors elected by the 71 local governing boards. The CEOCCC has a 12-member board of directors elected by the local community college chancellors, superintendents and presidents. These boards of the League meet approximately six times a year. At those meetings, action is taken on education policy issues before the state Board of Governors and the legislature. Policy direction is also provided to staff concerning research initiatives, publications, workshops and conferences.

To coordinate League organizations and their affiliates and to ensure their adequate support, each organization selects representatives to serve on the League board. The League board establishes the budget and dues for the League, employs and evaluates an executive director, and approves a staff organization structure. It also establishes and evaluates the annual education policy agenda and annual legislative program. The board includes three representatives from CCCT and CEOCCC, two each from ACCCA and CalSACC, and one from the Classified Senate.

Committees and Staff

The CCCT and CEOCCC boards of the League are assisted in accomplishing their common goals and objectives through standing and ad hoc committees whose membership includes trustees, administrators, faculty, classified staff, and students. Presently, the committees include Trustee Education and Development, Legislation and Finance, Annual Convention and Futures. The oversight of intercollegiate athletics is performed by the League's Commission on Athletics.

The League has a staff of 17 working in six areas: education services, research, governmental relations, communications, athletics and association operation.

11.2 BIBLIOGRAPHY

The following are excellent reference, educational, and resource materials for trustees.

Periodicals

The League publishes the following:

Capitol Report - Covers Legislative, state agency and Chancellor's Office activities and proposals.

The News - Provides news about the colleges and other educational events.

League in Action - Updates the colleges on the activities of the League and its organizations.

Other periodicals:

Advisor, Association of Community College Trustees. Washington, DC.

Trustee Quarterly, Association of Community College Trustees. Washington, DC.

Community College Journal, American Association of Community Colleges. Washington, DC.

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National Organizations

Association of Community College Trustees (ACCT)
1740 'N' Street, NW, Washington, DC 20036
(202) 775-4667

ACCT sponsors the Trustee Education Recognition Program, a structured program recognizing trustee participation in educational activities.

Association of Governing Boards of Universities and Colleges (AGB)
One Dupont Circle, Ste. 400, Washington, DC 20036
(202) 296-8400

American Association of Community Colleges (AACC)
One Dupont Circle, NW, Ste. 410, Washington, DC 20036
(202) 728-0200

11.3 SELECTED ACRONYMS and TERMS

(Note: organizational acronyms are listed in the Community College directory.)

75/25 — Refers to the regulation which mandates that 75% of the contact hours must be taught by full-timers.

Affirmative Action (AA) — AB 1725 makes a major commitment to AA goals with 30% minority hires statewide by 1992/3 and mirroring the adult population by 2005. The California Community Colleges Chancellor's Office Human Resources Office is responsible for statewide affirmative action programs.

(AB) — Assembly Bill.

AB 1725 (Vasconcellos) — Comprehensive CC Reform Legislation, passed in 1988, covers community college mission, governance, finance, employment reforms, accountability, staff diversity and staff development.

ASCCC — Academic Senate for the California Community Colleges — The statewide organization representing, by law, the faculty on matters of educational policy. Local academic senates also have legal rights and responsibilities related to local district governance.

Accountability — A system which measures outcomes against stated goals. Colleges are required as part of AB 1725/AB3409 to establish accountability systems, and provide information related to student outcomes and program and institutional effectiveness.

ACR — Assembly Concurrent Resolution.

ADA — Average Daily Attendance, our past funding mechanism, recently replaced with FTES.

ADA — Americans with Disabilities Act. A federal act which mandates full accessibility for students and employees with disabilities.

Amnesty Students — Non-citizen students granted amnesty under the IRCA/LIAG Acts. Federal funding is no longer available for these students and those programs have been added to those eligible for the basic skills overcap funds.

Assessed Valuation — Value placed upon personal and real property by a governmental agency for taxation purposes. Property is assessed at about 25 percent of market value.

Based Funding — Revenue received from standards in five programs: instruction, instructional services and libraries, student services, maintenance and operations, and institutional support.

Basic Skills — Courses in reading, writing and computation that prepare students for college level work. There are special funds which partially support these programs.

BCP — Budget Change Proposal. How BGCCC augments current CC budget each fall for coming year. Proposals are developed during spring and summer and sent to Department of Finance and Governor's office in fall for review and eventual inclusion in January budget.

BGCCC or BOG — Board of Governors. Appointed by the Governor, the board establishes policy for the California Community Colleges.

Block Grant — Grants of federal funds to the state which will allow states to control allocation and distribution. Block grants may have a major effect on funds for workforce training programs.

Brown Act — Law enacted and amended to specify official operating procedures for meetings of public boards, commissions, councils and agencies. Revisions to the Brown Act were enacted by the Legislature in 1993, effective April, 1994.

California Business Roundtable — Statewide business group. Commissioned first study of community colleges after tuition crisis.

California Educational Roundtable — Made up of the leaders of the four segments of public education - UC, CSU, CC and K-12, it establishes policy and coordinates intersegmental issues. Its main operating arm is the Intersegmental Coordinating Council.

Californians — A group representing various statewide organizations including CCLC, the Academic Senate, ACCCA, and the unions.

Cap — An enrollment limit beyond which districts can no longer be funded for additional students.

Categorical Funds — Revenues provided in the budget by the state for specific uses over and above general funding, e.g., EOPS, DSPS, Deferred Maintenance, Matriculation.

CB — Collective Bargaining. Negotiations between management and union personnel (*established by the Rodda Act*) on salary and working conditions.

CBO — Chief Business Officer

Certificated — A person who has received a license to perform a specific professional duty. Prior to AB1725, it was those staff members who, by law, had to have a credential to perform their duty (faculty, administrators, supervisors, nurses, librarians, etc.). This has been superseded by minimum qualifications.

CFIER — California Foundation to Improve Employer-Employee Relations. Provides training and consultation to improve collective bargaining processes.

Chancellor's Office — The statewide system office which is responsible for implementing legislation related to the community college system and providing statewide leadership for the system.

CIO — Chief Instructional Officer.

Classified Staff — Employees of a school district who did not need a credential to perform their responsibilities (secretaries, accountants, maintenance personnel, bus drivers, cooks).

COLA — Cost of Living Adjustment. AB 1725 uses the U. S. Dept. of Commerce Implicit Price Deflator of Government Goods and Services for changes in the workload standards of program-based funding.

Commission on Innovation — Established by the Board of Governors in 1991 to develop creative alternatives for the college system. Ended its work in 1993.

Conference Committee — Settles differences between Assembly and Senate versions of bills

Consultation — The Chancellor's Officer confers with the field on major issues prior to presentation to the Board of Governors. There are seven councils: CEO's, CIO's, CSSO's, CBO's, Student Body Governments, Academic Senate, and Council of Organizations; issues are discussed and recommendations made to the Chancellor by these councils.

CPEC — California Postsecondary Education Commission. Established by the Legislature to advise them on higher education policy matters. Does research and policy analysis and is looking at the Master Plan, funding, and new facility needs.

CSSO — Chief Student Services Officer.

CSU — California State University (21 campuses).

Curriculum — The educational programs, approved by the board of trustees, organized by disciplines and levels.

Delineation of Function — AB 1725 defines the specific responsibilities of the BGCCC and the local districts.

SDF or DOF — State Department of Finance. CA state agency which works very closely with the Governor's Office in shaping budgetary priorities and thus, indirectly, state policy.

Disciplines — Subject matter areas determined by BGCCC, relying on work of Academic Senate, for use in establishing Minimum Qualifications (MQ's) and Field Service Areas (FSA's).

Donahoe Higher Education Act — Established the Master Plan for Higher Education, delineating the roles of the CCC, CSU, and UC.

DSPS — Disabled Students Programs and Services. A categorically funded program for the colleges.

Education Code or Ed Code — The body of law concerned with education. Over 2000 statutes cover CC's. AB 1725 required the BGCCC to review the Ed Code and recommend changes or deletions of unnecessary sections.

EERA — Educational Employment Relations Act, which regulates collective bargaining.

Enrollment Cap or "Cap" — Limit on growth of CC's set at state level by growth in adult population.

EOPS — Extended Opportunity Program and Services, a categorically funded program for the colleges for programs for disadvantaged students.

Equalization — Provides additional funds to lowest wealth districts.

ESL — English as a Second Language.

Exempt Positions — AB1725 creates six senior level (Vice and Deputy Chancellor) positions exempt from civil service restrictions for the Chancellor's Office. No additional funding has been provided however.

Faculty and Staff Development Fund — A categorical fund allocated to districts to support a broad set of uses for faculty, administrators, and staff.

Faculty and Staff Diversity Fund — A categorical fund allocated to the districts for costs and incentives for Affirmative Action.

Federal Funds — Funding for programs which comes from the federal government, usually categorical. The two largest areas are vocational education and financial aid.

Field — A term used by the Chancellor's Office referring to faculty, administrators, trustees, students as individuals, organizations and districts.

Field Act — Laws regulating school buildings, including CCs, related to earthquake standards.

Fifty Percent Law — Requires at least 50 percent of each district's current expense of education to be spent on direct instruction (classroom teaching, teaching aides, supplies, etc.). Excludes student services, libraries, administration, etc.

FII — Fund for Instructional Improvement. Provides grants and loans obtained by application Requests for Proposals (RFP) to the Chancellor's Office. AB 1725 provides broadened language for use and significant augmentation.

Finance — See Department of Finance

FIPSE — A national program, Fund for the Improvement of Postsecondary Education, which supports, through grants, innovative programs in education.

Fiscal Data Abstracts — Annual Chancellor's Office Publication of Budget and Enrollment statistics for each district. Arranged by Object and Taxonomy of Programs (TOP) Codes.

FSA — Faculty Service Area, replaces credentials for layoff and reassignment purposes. Determined at the college level through collective bargaining.

FTES — Full Time Equivalent Student, replaces ADA in program-based funding as workload measure for Instruction and Instructional Services.

FTEF — Full Time Equivalent Faculty, the total number of full and part time faculty counted in terms of full teaching loads, not headcount.

FT or FTF — Full Time Faculty, made of regular and contract faculty. AB1725's Program Improvement Fund requires part of the money allocated be used to bring districts up to 75% FT in contact hours taught, excluding FT overload.

Gann Limit — Proposition 4, now Article XIIIB of the Constitution, sets spending limits on state and local governments based upon COLA and adult population growth adjustments to prior year levels.

GE — General Education. A required pattern of courses covering a breadth of subjects thought to be useful for all college students regardless of major. A common transfer curriculum has been approved by all three segments of higher education.

Headcount — Number of students enrolled. Weighted headcount gives a higher or lower value to different types of students, e.g., new, continuing, probationary. Headcount is the workload measure for Student Services in program-based funding.

HSPS — Handicapped Student Program and Services (see DSPS)

Hold Harmless — Any mechanism which assures that no district will receive less funds under a new system than under a prior one.

IBB — Interest Based Bargaining. An approach to collective bargaining designed to reduce unproductive conflict.

IGETC — Intersegmental General Education Transfer Curriculum. A set of courses meeting lower division general education requirements in CSU, UC and the community colleges.

IJE — Interjurisdictional Exchange. Designates a type of contract which allows the Chancellor's Office to temporarily hire district staff.

Instructional Services — Services which support the teaching-learning processes such as libraries, media centers, etc.

IRCA/SLIAG — Immigration Reform and Control Act/State Legalization Impact-Assistance Grant - A federally-funded program designed to assist amnesty participants in learning English.

Master Plan for Higher Education — Legislation which establishes priorities within higher education. The most recent review resulted in AB1725. Budget constraints are resulting in a new look at whether we can meet the mission established in the Plan.

MIS — Management Information System. Requires both state and local districts to provide reliable and consistent data for statewide use.

MQ — Minimum Qualifications, replaces credentials in AB 1725 for faculty and administrative hiring and tenure.

OAL — Office of Administrative Law - AB 1725 removed state OAL review of BOG regulations, replacing it with a hearing process conducted by the Chancellor's Office.

Object Codes — Used by Chancellor's Office to code types of expenditures, such as salary, supplies, capital outlay. Often confused with TOP codes, since numbering systems for both overlap. See also TOP codes, Fiscal Data Abstracts.

OE or Occ Ed — Occupational Education, refers to business, technical and allied health programs in the colleges. Also is called Voc Ed, or Vocational Education.

PBF — Program Based Funding, replaced ADA as the basis for funding beginning in 1991-92.

Positive Attendance — Alternative to census week counts; counts actual number of persons present in class each day.

Program Improvement Funds — AB 1725 funds designed to implement 19 reforms specified in the bill.

Proposition 98 — Constitutional provisions which set minimum funding levels for K-12 and CC's.

Regulation — See Title V.

RFP — Request for Proposal. Announcement of availability grant funds; outlines process for application.

Rodda Act — See EERA

Rolling Contracts — Multiyear contracts which can be renewed prior to expiration to provide job stability and security. AB 1725 allows its use with newly hired administrators.

SB — Senate Bill

Shared Governance — Established by AB1725, outlines standards for involvement of faculty, staff and students in policy discussions at the local and state levels.

Small College Factor — A factor in PBF which recognizes the disproportionally higher costs of operation for small colleges.

Tenure — The permanent status granted to teachers if they are employed in the same district for four years and meet the qualifications specified in the Education Code.

Title V — The volume of regulations of the BGCCC. AB 1725 greatly expanded the regulatory authority of the Board. (Regulations are used to implement state laws.)

TOP Codes — Taxonomy of Programs, used by Chancellor's Office to code teaching disciplines and other program areas, particularly in financial records. See also Object Codes and Fiscal Data Abstracts.

TQM — Total Quality Management. An approach to organizational functioning which stresses ongoing assessment and improvement of the effectiveness of services and programs involving the service providers in the decision making process.

Trailer Legislation or Trailer Bill — Legislation or which follows other adopted legislation to clean up or correct technical areas.

UC — University of California (8 general campuses and a medical campus).

VATEA — Vocational and Applied Technology Education Act - The Federal Act governing use of federal funds to support vocational education funds in K-12 and community colleges. (New block grants will change the way these funds will be allocated.)

WSCH — Weekly Student Contact Hours.

STATE and NATIONAL ASSOCIATION CONTACTS

(NOTE: CCC = California Community Colleges)

AACC - American Assoc of Community Colleges
David Pierce. Pres. 202/728-0200 Fax: 202/293-7050

AAWCC - American Assoc of Women in Community Colleges
Frances White. Region IX Dir 408/274-7900

ACBO - Assoc of Chief Business Officials
Mike Gregoryk. Pres. 619/744-1150

ACCCA - Assoc of Calif Community College Administrators
Susan Bray. Ofc Mgr 916/443-3559

ACCE - Assoc for Community and Continuing Education
Tom Travis. Pres. 707/253-3071

ACCJC - Accrediting Commission for Community & Junior Colleges
John C. Petersen. Exec Dir 408/688-7575

ACCT - Assoc of Community College Trustees
Ray Taylor. Pres. 202/775-4667 Fax: 202/223-1297

ACCTLA - Assoc of CA College Tutoring and Learning Assistance
Dean Mancina 714/892-7711 Fax: 714/895-8243

AFT - AFT College Guild
Charles E. Dirks. Legislative Rep 818/361-6200
Fax: 213/851-0443

AIA - Assoc of Instructional Admin
Judy Markline. Pres. 805/922-6966

APAHE - Asian Pacific Americans in Higher Ed
Audrey Yamagata-Noji. CC Chr. 714/564-6140

ASCCC - Academic Senate for the CCC
Janis Perry. Pres 916/445-4753

BLACCC - Black Assoc of CA Community Colleges
Venesse Metcalf. Acting Pres. 209/575-6094

CACCRAO - CA Assoc of CC Records & Admissions Ofcr
Elida Gonzales. Pres 909/487-6752

CAIR - CA Assoc of Institutional Researchers
Robert Schwabe. Pres 909/880-5052

CAPED - CA Assoc of Postsecondary Educators of the Disabled
Ronald Burdett. Pres 510/659-6272

CASBO - CA Assoc of School Bus Officials
Ted Witt. Exec Dir 916/371-1103

CB - The College Board
Raphael J. Magallan. Dir 916/444-6262 Fax: 916/444-2868

CCA/CTA/NEA - CC Assoc/CA Tchrs Assoc/National Ed Assoc
Rocky Barilla. Exec Dir: Kathy Sproles. Pres 916/442-5895

CCC/CFT/AFT - CC Council/CA Fed of Tchrs/American Fed of Tchrs
Martin L. Hittelman. Pres 818/843-8226

CCCAAAA - CCC Assoc of Academic Advisors for Athletics
Evans Roderick. Pres 714/594-5611

CCCAOE - CCC Association for Occupational Education
Leslie Buckalew. Pres 408/755-6960 Fax:

CCCC/SD - CCC Council for Staff Dev
Jo Sumner. Chr 916/624-3333

CCCCA - CCC Counselors Assoc
Kathy Adams. Pres. 415/949-7777 Fax: 4159497375

CCCCS - CCC Classified Senate
Mary Thompson. Pres. 909/941-2624 Fax: 909/941-2783

CCCCSSAA - CCC Chief Stdnt Serv Admin Assoc
Edward Myers. Pres. 408/741-2020

CCCF - CCC Foundation
David Springett. Exec Dir. 916/446-5881 Fax: 916/446-5885

CCCI - CCC Independents
Deborah Sweitver. Pres. 2175 Powchell Valley Rd. Sebastopol CA 95472

CCCPCA - CCC Police Chiefs Assoc
Ted Romas. Pres. 714/559-3234

CCCREEC - CCC Real Estate Ed Cntr
George Bairey. Dir. 209/575-6465 Fax: 209/575-5616

CCCSAA - CCC Stdnt Affrs Assoc
Patricia Efseaff. Pres. 916/484-8471

CCCSFAAA - CCC Stdnt Fin Aid Admin Assoc
Scott Thomason. Pres. 209/638-0312

CCEA - CA Cooperative Ed Assoc
Linda F. Johnson. Pres. 209/946-2011

CCENC - CC Educators of New Californians
Joe Flores. Pres. 213/891-2168

CCIA - Community College Internal Auditors
John Shaffer. Pres. 510/466-7352 Fax:

CCID - Community Colleges for Intern'l Dev
Kenneth Yglesias, Member: Tom Crow, Member
209/226-0072

STATE and NATIONAL ASSOCIATION CONTACTS

(NOTE: CCC = California Community Colleges)

CCIE - CA Colleges for Intern'l Ed
Augustine P. Gallego, Pres. 619/584-6957 Fax: 619/584-6541

CCL - Council of Chief Librarians
Gregg Atkins, Pres. 415/ 574-6569

CCMISC - CC MIS Consortium
Don Price, Exec Dir. 916/631-6387

CCPRO - CC Public Relations Ofcrs
Jennifer Aries, Pres. 209/575-6051

CEOCCC - CA Community College CEOs
Ronald A. Kong, Pres

CHRO/AAO - Chief Human Resources and Affirmative Action Officers
Peter L. Parra, Dir. 909/594-5611 Fax: 9095947661

CIOCCC - Chief Instr Ofcrs of the CCC
Vicki Morrow, Pres. 510/786-6626

CLACCC - CA Library Assoc Community College Chapter
Dona J. Mitoma, Pres. 818/585-7818 Fax: 818/585-7913

CMCCC-S - Calif Math Council CC - South
Joan Karen Cordova, Pres. 714/432-5974

CMLEA - CA Media & Library Educators Assoc
John McGinnis, Pres. 415/692-2350

COA - Commission on Athletics
Joanne Fortunato, Commissioner
916/444-1600 Fax: 916/444-2616

COAD-NPD - CA Org of Assoc Degree Nursing Program Directors Donna Duell, Pres. 408/479-6237

CPEC - CA Postsecondary Ed Commission
Warren Fox, Exec Dir. 916/445-7933

CSAC - CA Student Aid Commission
Samuel M. Kipp III, Exec Dir. 916/445-0880

CSEA - CA School Employees Assoc
David Low, Exec Dir.
Barbara V. Z. Howard, Dir Govt Relations, 916/444-0598

CalSACC - CA Student Assoc of Community Colleges
David Lawrence, Pres. 714/522-5863

ECCTYC - English Council of CA Two-Year Colleges
Robert Dees, Pres. 714/432-5716 Fax:

ED>Net - Economic Development Network
Jean Petty, Exec Dir. 800/344-3812

EOP&SDA - Extended Opportunity Prog & Serv Directors Assoc Ismael Gonzales, Pres. 415/949-7777

FACCC - Faculty Assoc of CA Community Colleges
Patrick McCallum, Exec Dir. 916/447-8555

HSA - Health Services Association
Patricia Smith, Pres. 714/888-6511

ICC - Intersegmental Coordinating Council
John M. Smart, Sr Consultant, 916/324-8593
Fax: 916/327-9172

ICEED - Internat'l Consortium for Ed and Eco Dev
Augie Gallego, Bd Mbr. 619/584-6957

JACC - Journalism Assoc of Community Colleges
Cynthia McGrath, Pres. 510/439-2181

LARAZA - LaRaza Faculty Assoc of CCC
Joseph Salzar, Pres. 209/442-4600

Latina Leadership Network of CCC
Carol Justiniano, Pres. 213/891-2044

League for Innovation in the CC
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LRACCC - Learning Resources Assoc of CCC
Ralph Steinke, Pres. 408/864-8318

NCCCCAA - N Calif CC Consortium for Affirm Action Art Cardoza, Co-Chr. 209/384-6000

NCCCF - Network of CCC Foundations
John Willis, Pres. 619/230-2400 Fax: 619/230-2063

NCOE - National Council for Occupational Education
Gert Tipton, Rep. 916/668-7329

NCSPOD - National Council for Staff Programs & Org
Natalie Margolis, Coord. 518/446-0367 Fax: 518/437-9098

NCWCA - Northern Calif Writing Centers Assoc
Pat Reed, Pres. 916/484-8117

NISOD - National Institute for Staff & organizational Development Heather Conway, 512/471-7245

RP Group - Research & Planning Group for CCC
Robin Richards, Pres, 916/938-5215

SCCCCAA - S Calif CC Consortium for Affirm Action Joaquin Hernandez, Vice Chr. 619/584-6960

SEIU - Service Employees International Union/CSC
Allen Davenport, Legislative Advocate
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